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Current Topics.

Easter Law Sittings.

THE lists for the present term which began on Tuesday show a very considerable reduction in the volume of work compared with Easter, 1939, in the Court of Appeal and the King's Bench Division, so far as the number of cases set down for hearing affords a reliable guide. Appeals for the present term number 100. Last year the total for the Court of Appeal was 186. Nine of the final appeals in the present lists are from the Chancery Division, sixty-nine are from the King's Bench Division, and there are two Admiralty appeals, and seventeen from county courts. The first of these figures include three appeals in bankruptcy; the second, six in the Revenue Paper; and the fourth, three workmen's compensation appeals. With the three interlocutory appeals, the figure of 100 is completed. The total for the Chancery Division is 109. The Non-Witness, containing nineteen causes, is being dealt with by BENNETT and CROSSMAN, JJ.; the Witness List, comprising fifty causes, by SIMONDS and MORTON, JJ. The total is made up by various assigned and retained matters set down for hearing before FARWELL, J., and the other learned judges above named. Companies matters, which total fifty-nine, are being taken by SIMONDS, J., and there are four motions in bankruptcy. Appeals to the Divisional Court number 113, or eight more than last year. There are forty-seven causes in the Divisional Court List, thirty-eight in the Revenue Paper, thirteen in the Special Paper. Appeals under the Unemployment Insurance Acts, 1935 to 1938, number three; under the Housing Acts, 1925 to 1936, eight; under the Public Works Facilities Act, 1930, two; and there are two motions for judgment. Actions set down for trial in the King's Bench Division comprise eight special jury, 162 long non-jury, 452 short non-jury cases, twenty-one commercial cases, and four short causes. The total of 647 compares unfavourably with last year's figure of 1,376. Six Admiralty actions have been set down for trial. Divorce causes, including forty part-heard cases, total, 1,445. There are no jury cases in the divorce lists. In twenty-two cases divorce is sought on grounds of incurable insanity, and in addition to these, there are 677 defended and 706 undefended petitions.

Judicial Committee of the Privy Council.

THE Judicial Committee of the Privy Council also resumed its sittings on Tuesday. The list contains a total of 24 appeals, or five more than for the corresponding period in 1939. The present list comprises 19 appeals from India and Burma, two from Palestine, and one each from Australia, South Africa and Swaziland. Four judgments await delivery.

War Damage to Property.

AT the recently held annual general meeting of the Halifax Building Society, Brigadier-General Sir EDWARD N. WHITLEY made an interesting reference to the subject of compensation for war damage to property. He recalled the efforts which had been made by the Building Societies' Association and British Chambers of Commerce and others to secure a Government scheme, sanctioned by Parliament, involving compulsory contributory insurance which would provide full compensation for war damage to fixed property. Those efforts had not been successful, the Government, as readers will remember, having intimated in February that they were not prepared to undertake legislation on the subject. The speaker, however, took a favourable view of the Government policy as indicated in the statement made by the Chancellor of the Exchequer in January, 1939, and reiterated last February. Sir JOHN SIMON stated that when the extent of the damage to property in private ownership was known, such contribution would be made from the public funds as the circumstances would make possible in accordance with a scale "which would at any rate pay in full up to a certain limit of loss, and thereafter would be graded." General Sir EDWARD WHITLEY said that the Government pledge seemed to him to be satisfactory to the society, particularly when it was remembered that their securities were generally in small units consisting mainly of dwelling-houses and spread throughout the whole of Great Britain and Northern Ireland. The promise of the Government to give the maximum compensation out of the public funds at the end of the war afforded the maximum protection against war damage at present available.

Compensation for Requisitioned Premises.

A PAPER of considerable interest on certain aspects of the Compensation (Defence) Act, 1939, was read by Mr. DOUGLAS OVERALL recently at the Auctioneers' and Estate Agents' Institute. The speaker urged that where a business was disturbed and the goodwill, as in the case of a school or an hotel, was imperilled, some compensation ought to be paid in respect thereof. Moreover, the rental basis for requisitioned premises, while not computed at any enhanced figure owing to the war, should, on the other hand, be a fair one and not be depressed by emergency. The suggestion sometimes made by officials that the rent under s. 2 (1) (a) of the Act was in effect the annual value for rating purposes was described as "startling." With regard to s. 2 (1) (d) of the Act, which provides as part of the compensation payable in respect of taking possession of land "a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the taking possession of the land," Mr. OVERALL objected to the interpretation whereby the operation of the paragraph was limited to such matters or items as removal expenses, interest, fees, storage rent and, in some instances, wages of staff in lieu of notice. The speaker gave details of a case in which he was acting where alternative accommodation had to be found for the pupils of an educational establishment moderately estimated as worth a rental of £6,000 a year. "If," he said, "we receive our proper rent under s. 2 (1) (a)—in which event, even if there is a paper profit attached thereto, it is a poor enough reward for damage to the school's goodwill—the authorities should also pay all that is reasonable under s. 2 (1) (d). In other words, we do not want them to be generous but only to pay the fair rent under s. 2 (1) (a) and proper sums under s. 2 (1) (d)." The speaker emphasised the importance of a schedule of their condition being agreed with the authorities as soon as premises were requisitioned. He observed that compensation, being due at the moment, was an item carrying interest, and that the utmost speed must be made in the delivery of a claim for compensation. He paid due recognition to the fact that measures involving emergency legislation were hurriedly drafted, and looked forward to amending legislation, which, he believed, had already been hinted at by the Chancellor of the Exchequer.

The Societies (Miscellaneous Provisions) Bill.

MR. RONALD KIDD, Secretary to the National Council for Civil Liberties, urges in a recent letter to *The Times* that too little public attention has been given to the Societies (Miscellaneous Provisions) Bill which was read a second time in the House of Commons on 20th March. Clause 1 of the measure empowers the Chief Registrar, on application of the committee of a trade union, or friendly society, or certain other societies, if he "is satisfied that by reason of circumstances attributable to the emergency it is expedient" to do so, to "dispense with any rule of the society or enactment requiring meetings of the society to be held at specified times or periods," and to authorise the appointment of trustees or officers "in such manner as may be specified." This, it is urged, in effect enables a committee, with the concurrence of the Chief Registrar, to suspend all meetings and elections for the duration of the war, to decide all questions of policy on its own initiative, and to fill all vacancies with its own nominees "in complete disregard of the democratic rights of the members of the society." The National Council for Civil Liberties is of opinion that the clause needs drastic amendment, and suggests, in particular, that "the circumstances attributable to the emergency" should be strictly defined, e.g., a breakdown in transport in consequence of war operations making elections impracticable, and that it should be necessary for the circumstances actually to exist—not merely for the Registrar to be satisfied that they exist—

thus leaving the way open for an application to the court should the Registrar exercise his powers in an unreasonable manner. It is suggested, further, that members of the organisations concerned should have some opportunity afforded to them of objecting to the granting of the dispensations contemplated by the measure. The letter recalls that in the debate in the House of Commons a great deal of faith was placed in the discretion of the Chief Registrar. That, it is observed, may be entirely justified; but in the council's submission it is never wise to place these vast powers in the hands of a single individual. The council evidently considers that further amendments to the Bill are desirable, but the writer of the letter confines his attention to the clause above mentioned, which, he urges, should be revised "so as to preserve in some measure the democratic rights of the members of the trade unions and friendly societies concerned."

Discharged Prisoners' Aid.

THE first annual report of the Royal London Discharged Prisoners' Aid Society—which, as readers will be aware, comprises the Royal Society for the Assistance of Discharged Prisoners, the Surrey and London Prisoners' Aid Society and the British Discharged Prisoners' Aid Society—was presented at a meeting held on 15th March in the Council Chamber, Westminster City Hall. The report deals with the effect of the war on the work of the society. On the outbreak of war most of the prisons in London were transferred to provincial prisons, though two were reopened subsequently. The transferred prisoners were still in the care of the society and the report states that the amalgamation of the organisations proved of great value in that it made a single policy possible. It is indicated that over 700 men have been placed in employment by the society. First offenders and young prisoners have been the easiest to place, but many difficult cases have responded to the influence of the society. Mr. ALEXANDER PATERSON, a Commissioner of Prisons, who paid tribute to the work of the society, confessed that he felt some misgiving when so many prisoners were discharged on the outbreak of war under the arrangement for the liberation of those who had less than three months of their sentences still to serve. He expressed himself as happy to say that of the 1,700 Borstal boys discharged only 13 per cent. had since got into any sort of trouble. The same speaker thought it was inevitable that a certain number of the prisoners who had been transferred to country prisons should be discontented; but he was satisfied that the accounts of their misbehaviour had been much exaggerated.

Valuation for Estate Duty.

THE Chancellor of the Exchequer was recently asked in the House of Commons whether, in the event of dealings in certain securities not taking place freely on or about the death of a holder of those securities at or above prescribed minimum Stock Exchange prices, the said minimum prices were to be taken as representing the market value for the purpose of assessing death duties; or whether the assessment would be based on the estimated value in a free market. In answer, Sir JOHN SIMON drew attention to s. 7 (5) of the Finance Act, 1894, under which the value of any property for estate duty purposes is to be taken at the price which, in the opinion of the Commissioners of Inland Revenue, such property would fetch if sold in the open market at the date of the deceased's death.

Recent Decision.

IN *Mee v. Toone* (*The Times*, 19th March) a Divisional Court (HAWKE, CHARLES and MACNAGHTEN, JJ.) reversed a decision of justices and held that the making of a complaint against a billeting notice by a householder to the tribunal appointed under the Defence (General) Regulations, 1939, did not stay the operation of the billeting notice pending the hearing of the complaint.

Modern Problems of the Law of Nationality.

[CONTRIBUTED.]

WAR AND NATURALISATION.

By s. 7 (2) (e) of the British Nationality and Status of Aliens Act, 1914-1933, the Secretary of State shall (*inter alia*) revoke a certificate of naturalisation granted by him "in any case in which he is satisfied that the person to whom the certificate was granted, remains according to the law of a State at war with His Majesty a subject of that State," provided that "the continuance of the certificate is not conducive to the public good."

If it appears, therefore, that a naturalised subject of German origin did not lose his former nationality, he may now be deprived of the acquired status of a British subject.

The said provision appears to be particularly justified if the person has retained his former nationality by his own free will and not as a pure legal result of the foreign law of nationality. In fact the section has probably been framed with a special view to the famous German *Lex Delbrück*, enabling German nationals to retain their nationality of origin notwithstanding naturalisation abroad.

It has to be pointed out, however, that this is an exception; the rule, as enacted in s. 25 (1) of the German Imperial and State Nationality Law, 1913, still in force to-day, provides that naturalisation in a foreign country, granted on application (as by English law) and not by reason of residence or domicile, results automatically in the loss of German nationality. The law is in this respect the same as by the corresponding provision of the English Act (s. 13).

In addition there are other ways by which German nationality may be lost, either voluntarily or involuntarily, e.g., by a formal discharge on application or by compulsory expatriation, while residence abroad for more than ten years, sometimes perhaps the best known provision of the German law on nationality since 1914, is not any longer among those ways. In the case of acquisition of British nationality by naturalisation, however, the loss of German nationality ensues in all ordinary cases as a matter of course and no further steps need or even can be taken to divest the naturalised person of his nationality of origin.

As an exception to this rule s. 25 (2) of the German Act, i.e., the *Lex Delbrück*, enacts:—

"A person does not lose his nationality if, before acquiring a foreign nationality, he has applied for, and received, the written permission of the competent authorities of his home state to retain his nationality. Before the grant of such permission, the German consul is to be consulted."

In view of this enactment and in order to avoid double nationality altogether it has been suggested that German applicants should be required to make an express declaration to the effect that they have not obtained nor intend to apply for permission to retain their original nationality under the *Delbrück* law, or that such applicants should not be naturalised, unless previously they had obtained their formal discharge from German nationality.

Indeed, both of these preventive remedies were better than s. 7 (2) (e) operating as a penal remedy in time of war. It would be wrong, however, to ask any naturalised subject of German origin to produce a certificate of discharge now. To do so were to lay a burden of proof on him impossible to discharge; as shown above, even in peace time, such a certificate cannot be granted to a person who has lost his former German nationality in the ordinary way by naturalisation in this country.

In fact, cases where the *Lex Delbrück* has been put into practice must be extremely rare. The law did come into force on 1st January, 1914, and after the great war no formerly German subjects were naturalised for a period of ten years

(8 & 9 Geo. 5, c. 38). Moreover, it may be safely assumed that most of the Germans admitted to British nationality since the expiration of that period were anti-Nazi and, therefore, neither likely to ask for nor to be granted the application of the *Lex Delbrück*.

Another reason for revocation of naturalisation in war time is "unlawful trading or communicating with the enemy or with the subject of an enemy State" or where the person "has been engaged in or associated with any business which to his knowledge carried on in such manner as to assist the enemy in war" (s. 7 (2) (a)).

The first part of this section apparently covers the same facts constituting an illegal trading with the enemy under the Trading with the Enemy Acts, while the second part probably covers a wider field. The whole section does not concern naturalised subjects of enemy origin only, but any kind.

Notwithstanding the arbitrary power vested in the Secretary of State, as in the case of subs. (2) (e), the condition has been imposed that "the continuance of the certificate is not conducive to the public good," and further, that the holder of the certificate to be revoked may claim as a matter of right that his case should be referred to a committee of inquiry.

The principle of expatriation, i.e., recognition of a voluntary change of allegiance by a British subject, is not part of the common law, but a creation of statute. Since *R. v. Lynch* [1903] 1 K.B. 444, it is settled law, therefore, that "there is nothing in the Naturalisation Act, 1870 (and in the following Acts re-enacting it), to legalise an act which would have been a crime before the statute," and that "therefore, if, after war has broken out between Great Britain and another country, a British subject commits an act of treason by becoming naturalised in the belligerent country, he is not thereby protected from the consequences of the commission of subsequent treasonable acts." In other words, a British subject cannot divest himself in war time of his British nationality by acquiring enemy nationality.

It is probably possible, however, to become naturalised in a neutral or allied state in time of war. The question has been left undecided in *R. v. 30th Battalion Middlesex Regiment, Commanding Officer; ex parte Freyberger* [1917] 2 K.B. 129, following and confirming *Lynch's Case*. In *Freyberger's Case* it was held, however, by the Court of Appeal that a natural born British subject, who is also a subject of an enemy State, cannot in time of war make a declaration of alienage under s. 14 of the British Nationality and Status of Aliens Act, 1914, and cease to be a British subject, so as to become solely a subject of the enemy State (with a view of evading military service in this country).

(To be concluded.)

Company Law and Practice.

A DIRECTOR of a company is not by reason of his holding that office precluded from acting as a director of another company even though that company is a rival company (see *London and Mashonaland Exploration Co., Ltd. v. New Mashonaland Exploration Co., Ltd.* [1891] W.N. 165). The matter may, of course, be regulated by express stipulation; thus, articles of association may, though they do not usually, require a director to give his whole time to the business of the company or prohibit him from acting as a director of another company, or there may be a contract with the director containing such provisions. In most cases, however, directors are not barred from holding the office of director in other companies; but if the two companies have business relations with each other, questions may arise as to how far a person who is a director of both companies can properly act as such in regard to matters arising out of those

Position of Directors who are also Directors of other Companies.

relations. For example, if the board of company A is considering the question of entering into a contract with company B, must a director who is also a director of company B disclose that fact on the ground that it renders him interested in the proposed contract? Further, if the articles of association of company A prohibit the voting by a director on matters in which he is interested, is the director thereby precluded from voting on the question of the contract with company B? The answer to these questions depends on the meaning which is to be given in this context to the word "interested."

There is clear authority that if a director of company A is a shareholder in company B he is interested by virtue of his shareholding in contracts between the two companies and is therefore subject to the restrictions imposed by law or by the articles of company A on directors who are interested in contracts of the company. This is recognised by s. 149 of the Companies Act, 1929, which, after providing that a director who is in any way, whether directly or indirectly, interested in a contract with the company, must disclose his interest to the board, provides by subs. (3) that for the purpose of the section a general notice by a director to the effect that he is a member of a specified company, and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company, shall be deemed to be a sufficient declaration of interest. The subsection, it will be observed, refers only to the case of a director being a member of another company and not to his being a director, and the authorities, so far as they go, suggest that the mere holding of the office of director in another company, at least if the remuneration derived from that office does not depend on the success of the company, does not constitute an interest in contracts to which that company is a party. As will be seen, however, these authorities are not decisive on the meaning of s. 149 or of articles of association relating to directors' interests in contracts, though it seems to me that the reasoning is equally applicable to the case of companies incorporated under the Companies Act.

Lapish v. Braithwaite [1926] A.C. 275, was a case arising under the Municipal Corporations Act, 1882. Section 12 (1) of that Act disqualifies from the office of councillor any person who has "directly or indirectly . . . any share or interest in any contract or employment with, by or on behalf of the council." By subs. (2), however, a person is not to be so disqualified or to be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in (*inter alia*) a company incorporated under the Companies Acts. The respondent held a number of shares in and was managing director of a limited company which had contracts with the council and it was alleged that he was accordingly interested in those contracts and therefore subject to disqualification under the provisions of s. 12. Having regard to subs. (2) of that section, it was clear that he was not disqualified by reason of his being a shareholder in the company, and the House of Lords held further that he was not disqualified by reason of his being managing director of the company. "A managing director is the servant of his company; and while he is naturally concerned in negotiating and carrying out his company's contracts, he has (if he is paid by a fixed salary and not by a percentage) no interest whether direct or indirect in the contracts themselves . . . If indeed he were remunerated by a percentage or commission on the profits of the contracts, or on the profits of his companies available for dividend, different considerations would arise."

A similar question arose in *Wilson v. London, Midland and Scottish Railway* [1940] Ch. 169 (in the Court of Appeal, 84 Sol. J. 220), with regard to the construction of certain sections of the Companies Clauses (Consolidation) Act, 1845. Section 85 of that Act provides that no person holding an office or place of trust or profit under a statutory company

to which the Act applies or interested in any contract with such a company, shall be capable of being a director: s. 86 provides for the vacation of office by a director who subsequently to his election is directly or indirectly concerned in any contract with the company. Section 87 contains a proviso to these two sections to the effect that no person who is a shareholder of an incorporated company shall be disqualified from acting as a director of a statutory company by reason of any contract entered into between such incorporated company and the statutory company. Certain directors of the statutory company were also directors of companies which had entered into contracts with the statutory company, and it was alleged that these directors were excluded from acting as directors of the statutory company by virtue of the provisions of ss. 85 and 86 of the 1845 Act. This contention was rejected by Simonds, J., and the Court of Appeal. In the course of his judgment, Simonds, J., said that what the Act contemplates is that it is only persons who are concerned in contracts with the company in the sense of having a commercial interest in contracts with the company who are aimed at by the sections, and that if and so far as the commercial interest consists only in a shareholding in the company which enters into a contract with the statutory company, that is safeguarded by the provisions of s. 87: that is to say, a person who is a shareholder in a company which enters into a contract with the statutory company may nevertheless continue to be a director of the statutory company. It is immaterial whether in addition to being a shareholder he is also a director of the contracting company. It is his commercial interest which is aimed at; that, if it is a shareholder's interest, is protected, and the fact that he is also a director is immaterial.

We have seen that for the purposes of s. 149 of the Companies Act, 1929, and of articles of association regulating the position of directors who are interested in contracts of the company, a director is interested in such contracts if the other contracting party is a company in which he is a shareholder. By virtue of his shareholding in that other company he has a commercial interest in the contract, and so far as s. 149 of the Companies Act is concerned, that interest is not protected as it is by the Companies Clauses Act, 1845, nor usually do articles of association make an exception for the case of such an interest, though there is nothing to prevent an express provision in articles of association to that effect. Accordingly, a director of company A who is a director and shareholder of company B has an interest in contracts between the two companies because of his holding of shares. If, however, he is a director of company B but holds no shares in that company, the authorities I have mentioned suggest that he is not by reason of his holding of office as director in that company "interested" in contracts between company A and company B. This view, perhaps, gains some support from the fact that s. 149 (3) of the Companies Act, 1929, provides for the giving of a general notice of shareholdings in other companies as a sufficient disclosure of interest, but does not provide for a similar notice as to directorships held in other companies. But, as appears from *Lapish v. Braithwaite*, *supra*, the method of remuneration may be such that a director is to be taken to have an interest in procuring contracts for the company, e.g., if it is by way of commission on profits. On this view it would seem that directors whose remuneration is determined by the company in general meeting might well be held to be interested, that is, commercially interested, in the number of contracts obtained by the company, since presumably the success of the company would be reflected in the remuneration voted for the directors.

And might not the same be said of directors who though their remuneration is fixed may, under the articles of the company, be voted additional remuneration?

It would appear, however, that *prima facie* directors of company A are not for the purposes of s. 149 or of articles of

association to be regarded as having an interest in that company's contracts with company B simply because they are directors of company B, but that something more must be shown, viz., that they have a commercial interest in the success of company B. Usually, no doubt, if they are directors of company B, they will also hold shares in that company, and a shareholding is, as we have seen, sufficient to constitute such a commercial interest.

A Conveyancer's Diary.

THERE can be few commoner testamentary dispositions than for the testator to say "I give £x to my wife A," and later in the will to provide that the income of his residuary estate shall be paid "to my wife A during her widowhood." In the normal case, of course, these dispositions provide no difficulty. If A survives the testator, she gets £x and she gets the income of residue until she dies or marries again.

Legacies to Wives and Widows.

But there are in practice a substantial number of cases which are not normal, and indeed few reported cases are normal. In construing dispositions of this sort in abnormal cases, we must bear clearly in mind that the words "wife" and "widow" may be used either as indicating the identity of the person who is to take, or as imposing a condition for the legacy to take effect or to continue, as the case may be.

Thus, if the testator has a wife and a sister who both have the same name, he will naturally give the legacy "to my wife A" to indicate that it is she, and not the sister, who is the object of his bounty. On the other hand, a gift to "A, so long as she remains my widow," is a gift to her conditional upon her possessing a particular qualification.

In the normal case, of course, A remains the widow of the testator during such period as she survives him without having remarried. But what is to happen in the unusual case? For example, in *Lepine v. Bean*, 10 Eq. 160, the testator provided that the income of his estate should be given "to my wife M so long as she shall continue my widow and unmarried," and went on to provide that, on and after her death or second marriage, the capital of his estate should belong to his children. The testator had, in fact, a wife E, who had long since left him and by her he had no children. He had also a mistress M, who had lived with him for many years, who had had four children by him, had never been married to him or to anyone else, was generally recognised as his wife, and used his surname. In these circumstances it was held that M and the bastards were entitled to the estate and that the real wife got nothing. It was said by the court that the evidence showed that he had always called M his wife and that when he used the word "wife" he meant M. From that it followed that when he used such phrases as "continue my widow" and "second marriage" in connection with M, he did not mean what the words meant in their literal significance. It is more remarkable that this decision was arrived at as long ago as the early seventies. The point of the case, however, is that these words like "wife," "widow" and "widowhood" may be mere words of description and that the context must show whether they are so or whether they are words of qualification. In *Lepine v. Bean* it was reasonably obvious that they were descriptive.

In 1883 there was the case of *Re Boddington*, 22 Ch. D. 597. In that case the testator left a pecuniary legacy "to my wife A." He also left her a life interest in his residue "so long as she shall continue my widow and unmarried." After he made the will, A obtained a decree of nullity on the ground of the impotence of the testator. Such a decree, of course, does not merely purport to terminate the marriage but to declare that it was *ab initio* null and void. The form of the decree is somewhat misleading, as we shall see when we come to the more recent case. However, in *Re Boddington* the

decision was that A took the legacy, it being held that the expression "to my wife A" merely pointed out the person who was to take. This point is, of course, entirely consistent with *Lepine v. Bean*, because down to the date of the will, and for some time afterwards, the testator had regarded her as his wife and would obviously refer to her as such. On the other hand, she did not get the life interest in residue because it was only payable to her so long as she continued the testator's widow; though she may or may not have ever been his wife she could not on any view have been his widow, because the marriage had been annulled before he died. The condition was, therefore, unfulfilled and the life interest failed. It is to be noticed, however, that Fry, J., was careful not to say that A had never been the testator's wife, though he rested his decision on the point that she was never his widow.

In the comparatively recent case of *Dodworth v. Dale* [1939] 2 K.B. 503, a marriage had been annulled for impotence at the suit of the wife, and the Crown went so far as to claim that the husband was liable to refund the income tax from which he had been relieved by the marriage allowance during the years between the ceremony and the decree of nullity. This claim was most properly refused by Lawrence, J., who held that matters concluded during the period when the marriage had not been annulled could not be opened after it had been annulled.

That decision was recently adopted in *Re Eaves* [1940] Ch. 109. In that case the testator died in 1919. He left certain property to his widow and son as his trustees, upon trust for the widow during widowhood and subject to her interest for the son absolutely. In 1925 the widow went through a ceremony of marriage. In anticipation of that marriage she agreed that her life interest was going to come to an end, and arrangements were made for the fund to be taken over by the son. It seems, incidentally, that he sold the investments and used them to pay his overdraft, with the consequence that the fund, as such, was no longer in existence. But that did not really affect the issue. In 1937 the widow obtained a decree of nullity on the ground of the impotence of the other party to the marriage. She then approached her son, and advanced the argument that as the marriage had been annulled she had never been married again and that consequently she was still her original husband's widow. Accordingly, she claimed that the fund ought to be restored to the trustees and that she ought to have the income of it for life. Apart from the fact that the fund had disappeared, the claim was an obviously quite unreasonable one, but on a strict consideration of the form of the decree of nullity (which declares that the petitioner is and always has been free from the bonds of matrimony) it had a good deal of plausibility. The grounds of the judgment of the three members of the Court of Appeal are rather interesting. The Master of the Rolls and both learned lords justices agreed with Farwell, J., that the claim must fail. But their conclusions are based on rather different grounds. Sir Wilfrid Greene put his decision on the point that, if the matter had been litigated in 1925, the son would have had an absolute right to call for the fund, and that it is well settled that such transactions as handing over a fund on the determination of a limited interest, once done, cannot be reopened. Clauson, L.J., adopted this ground and also added in effect that the widow was estopped by her conduct in consenting to the winding up of the trust from claiming thereafter that it should not have been wound up. The learned lord justice also pointed out that until a decree of nullity on the ground of impotence, the parties of the marriage have the status of married people: a status which must be treated as continuing during the period that the marriage remains unannulled. Goddard, L.J., delivered a very interesting disquisition on the subject of nullity, in which he, examining the history of decrees of nullity, adopted the observations of Lawrence, J., in *Dodworth*

v. Dale regarding the status of parties prior to a decree of nullity for impotence, and generally put his decision on the ground that a decree of nullity for impotence is not on all fours with a decree of nullity grounded on bigamy or consanguinity. In the two latter cases, the marriage has never been a marriage at all: it is void from the beginning, because the parties have not the capacity to contract it. The decree of nullity in such cases only serves to put on record a state of things which has all along existed. A decree of nullity for impotence, however, does actually terminate the marriage although it purports on its face to declare that the marriage never existed. Such a marriage is not void *ab initio*, but is voidable at the option of a party to it. Such party is in no way bound to exercise the option, and, indeed, one has heard of cases where the parties have continued to live together. That being so, it could not be questioned that between the years 1925 and 1937 the appellant was again a married woman. That being so, she had ceased to be her first husband's widow. After the decree of nullity, whatever her matrimonial status might be, it could not again be that of her first husband's widow. The learned lord justice indicated clearly (at p. 122) that his opinion on the appellant's status would have been different if her "second marriage" had been void and not merely voidable. But she would presumably have failed in any event on the ground of estoppel.

From these cases it follows *a fortiori* that where the marriage has not been avoided but has been dissolved by a decree of divorce, the wife, if she survives her former husband, is not his widow. I do not know of a case which expressly decided this point until February of this year. But the point has now been decided in connection with a will by Simonds, J., in *Re Norman*, 84 Sol. J. 186. In that case the testator had directed his trustees to transfer a certain sum to his daughter if she should become a widow and have no children. In fact, the daughter divorced her husband in 1936 and he died in 1939. There were no children of the marriage. The learned judge referred to the Oxford Dictionary which defines a widow as "a woman whose husband is dead and who has not married again," and pointed out that it could not be said of the claimant that she was at any time a woman whose husband was dead, since when the former husband died he was not her husband. If, in *Re Eaves*, the testator's widow had married again and divorced her second husband, her case would have been quite impossible to argue. Such a marriage is valid for all purposes until the decree absolute, and thenceforward becomes void for all purposes.

Landlord and Tenant Notebook.

"A MAN may carry on several trades at once," observed Lopes, L.J., in his judgment in *Buckle v. Fredericks* (1890), 44 Ch. D. 244 (C.A.), which was one of the authorities referred to in the recent decision in *A. Lewis & Co. (Westminster), Ltd. v. Bell Property Trust, Ltd.* (1940), 84 Sol. J. 205; the others being *Attorney-General v. Plymouth Corporation* (1909), 99 L.T. 793; *Fitz v. Iles* [1893] 1 Ch. 77; and *Stuart v. Diplock* (1889), 43 Ch. D. 343 (C.A.).

The facts of the recent case were that the plaintiffs sued their landlords for breach of a covenant not to suffer any adjacent premises to be used for the purpose of the sale of tobacco, cigars and cigarettes. The alleged breach was the letting of adjoining premises to tenants who covenanted not to use them for any purposes other than those of a restaurant or teashop, and who in fact sold cigarettes to their customers at the cashier's desk; and people rarely came in for cigarettes only. Simonds, J., held, in the light of the authorities mentioned, that the neighbouring tenants could not be said to be carrying on the business of the sale of "tobacco, cigars and cigarettes."

Taking those authorities in chronological order, the plaintiff in *Stuart v. Diplock* brought her action against her alleged competitors themselves, they having had notice of the covenant in her lease with the common landlord on which she relied. This was to the effect that he would not permit or suffer to be carried on, in or upon adjoining premises the trades or businesses of "ladies' outfitting, juvenile outfitting, or sale of baby linen." The shop next door, since taken by the defendants, was then occupied by a wine merchant. In their lease they were described as "fancy drapers and hosiers," and they covenanted that they would not carry on, etc., "the trades or businesses of ladies' underclothing (except vests and stockings, which the trade term 'hosiery' includes), juvenile outfitting (except vests and stockings), or sale of baby linen, being the business carried on at the adjoining shop by, etc." The plaintiff complained of breaches of the obligation not to carry on the business of ladies' outfitting, her particulars specifying a number of articles, arranged in six groups, stocked and sold by the defendants, as they admitted.

The judgment of the Court of Appeal, setting aside that of Kekewich, J., was in the defendants' favour, and the principle applied was simply this, that overlapping was possible. "I do not think," said Bowen, L.J., "that a covenant not to carry on the business of a ladies' outfitter is broken by carrying on a part of that business, even though it be a substantial part of the business of a ladies' outfitter and only a subordinate part of the other business." His lordship approved the appellants' counsel's exposure of the fallacy underlying his opponent's argument, which amounted to this: "All ladies' outfitters sell combinations, the defendants sell combinations, therefore the defendants are ladies' outfitters." In view of the recent decision, it is of interest to note that the plaintiff-respondent's counsel asked, in the course of the above-mentioned argument, the following rhetorical question: "Suppose a covenant that the business of a tobacconist should not be carried on upon certain premises, could a tobacconist set up there and protect himself as not having broken the covenant because he did not sell snuff there?" ("A tobacconist" adds the fallacy of *petitio principii* to that of undistributed middle.) Whereupon Fry, L.J., asked the non-rhetorical question "Could you under such a covenant prevent a tavern keeper from selling cigars to customers?" to which counsel replied "Probably not, for that would not be carrying on trade as a tobacconist, the cigars not being supplied to the public at large, but only to persons who came to the house for other purposes." This admission, which could not harm the plaintiff's case in *Stuart v. Diplock*, contains the very point which had to be examined in *A. Lewis & Co. (Westminster), Ltd. v. Bell Property Trust, Ltd.*

But it very soon became apparent that an individual might break a restrictive covenant whether people "came for other purposes" or whether "a part" or the whole of a prohibited business was carried on. Thus, in *Buckle v. Fredericks* (1890), 44 Ch. D. 244 (C.A.), Kekewich, J., held that a lessee of a theatre, who had bought adjoining land for the purpose of providing fire exits and (or "but") had installed refreshment bars in the added part, had infringed a condition of the sale which prohibited "the trade of an innkeeper, victualler or retailer of wine, spirits or beer," and was this time upheld. For theatrical management might be the defendant's principal business, but he also carried on that of a retailer of wines, spirits and beer—and this, it should be noted, though he did not sell these commodities to the public at large; for only theatregoers, each of whom had paid at least sixpence already, could become customers of the liquor business.

This decision was followed in *Fitz v. Iles* [1893] 1 Ch. 77 (C.A.) which is, I think, responsible for the expression "ancillary business." The plaintiff sued his landlord and another tenant for infringement of a covenant by the former

not to let any shop in the same road, over which he had any control, as a coffee-house. The decision turned upon the meaning of that word, the important considerations being really two: what kind of business was a coffee-house business, and how much of that business had to be carried on before the premises on which it was carried on could be called a coffee-house. For the second defendants were grocers who sold light refreshments (the plaintiff supplied heavier meals) "as ancillary to their business" (their affidavit actually called the sale of refreshments "auxiliary" to that of the sale of groceries). It was held that the light refreshment business made the premises "a new kind of coffee-house" and that the defendant tenants were carrying on a coffee-house business though, perhaps, not a very extensive one.

The other decision referred to by Simonds, J., in the recent case went the other way. *Attorney-General v. Mayor, etc., of Plymouth* (1909), 99 L.T. 793, was brought, on the relation of the owners of some chemical works, to obtain a declaration that the defendants had infringed a provision of the Plymouth Corporation Act, 1898, and for an injunction. The statute empowered the corporation to acquire certain land on the waterfront, but a provision prohibited carrying on or permitting to be carried on the business of wharfingers. In 1907 they let a small portion of the land as a timber-yard, the lease expressly authorising the tenant to use the wharf in common with others and exempting him from all dues and charges whatsoever, but limiting such use to loading and unloading timber to be dealt with in the course of the business. It was argued that the rent must have been fixed having regard to these facilities, and this argument was accepted by Swinfen Eady, J. It was further argued that, according to *Fitz v. Iles*, it was not necessary for all the operations of a wharfinger's business to be carried on in order to constitute the defendant a wharfinger; and the learned judge agreed that the absence of cranes and sheds would not entitle the defendant to succeed. But his lordship did not agree that the corporation were carrying on or permitting the carrying on of the business of a wharfinger, and relief was refused accordingly.

The above was the latest authority mentioned in the judgment in the recent case, and with the other three was certainly sufficient to indicate the principles applicable. Those interested will find further illustrations, rather than authority, in a number of other reported cases, such as *Wills v. Adams* (1908), 25 T.L.R. 85 (furs not drapers' goods); *Errington v. Birt* (1911), 105 L.T. 373 (fried-fish shop not a fishmonger's business, or a restaurant); *Wartski v. Meaker* (1914), 110 L.T. 473 (sale of sports jackets and raincoats infringes covenant limiting to hosiery business); *Derby Motor Cab Co. v. Crompton* (1913), 29 T.L.R. 673 (motor showroom not a motor garage); more instructive, I consider, is the more recent *Lorden v. Brooke-Hitching* [1927] 2 K.B. 237, for, while the problem was, in the face of it, again one of demarcation (licensed restaurant business not that of alehouse keeper, beerhouse keeper, tavern keeper, licensed victualler), Salter, J. based his judgment partly on an examination of the true object of the restriction, in that case imposed and invoked by a landlord.

Lord Justice Luxmoore, on his doctor's advice, has resigned the chairmanship of the East Kent Quarter Sessions and of the East Kent Appeals Committee. His Honour Judge Clements has been elected by the magistrates to fill both vacancies.

The old Town Hall at Wrexham is being demolished. The building, the most historic in the town next to the parish church, was recently purchased by the Ministry of Transport for road improvement purposes. It was erected in the reign of Henry VIII for the use of the Great Sessions when Wales first came under the jurisdiction of the English laws. It is hoped to incorporate the massive Doric pillars in the new town hall to be built. The fine oak staircase and oak panelling will go to Caernarvon Castle, and portions of the ancient ceilings have been offered to the National Museum of Wales.

Our County Court Letter.

PURCHASE OF RACEHORSE.

In *Sewell v. Todd*, recently heard at Oxford County Court, the claim was for £42 5s. as money had and received to the use of the plaintiff. The case for the plaintiff was that he wanted a racehorse and spoke to the defendant, who was a trainer, about buying a good "plater." A horse, known as "Leamington," was accordingly bought and the plaintiff paid the defendant £100. It transpired that the defendant had bought the horse for 55 guineas and, as the defendant was the agent of the plaintiff, he was liable to account for the overcharge, viz., the difference between the purchase price and the amount charged to the plaintiff. The defendant's case was that he bought horses for all his owners and "Leamington" was bought for a Mr. Maiden. The price and the fact of the purchase for Mr. Maiden were both disclosed to the plaintiff, who was told that, if he wanted the horse, he would have to allow some profit to the first buyer. The horse was accordingly sold to the plaintiff on behalf of Mr. Maiden, who allowed the defendant £17 5s. as commission. Corroborative evidence was given by Mr. Maiden as to the defendant's authority to buy and sell horses on his (Mr. Maiden's) behalf. His Honour Deputy Judge Kenelm Preedy, K.C., held that the defendant had made a profit out of the transaction, for which he was accountable to the plaintiff. Judgment was given for the amount claimed, with costs. Compare *Fullwood v. Hurle* [1928] 1 K.B. 498, and *Regier v. Campbell-Stuart* [1939] 1 Ch. 766.

THE ENFORCEMENT OF MORTGAGES.

In *Halifax Building Society v. Gardner*, recently heard at Skipton County Court, an application was made for leave to exercise a power of sale under a mortgage. The case for the applicants was that, by a mortgage dated the 13th October, 1933, they had advanced £396 to the respondent by way of loan on the security of a house and shop, No. 5, Cobden Street, Barnoldswick. The principal and interest were repayable by instalments, but ten monthly payments were in arrear amounting to £29 3s. 9d. The total amount outstanding was £329, but notice of the application could not be served on the respondent, who lived in Southern Rhodesia, at an unknown address. In August, 1939, a letter had been sent to the respondent at an address at Blackpool, from which it had been re-addressed to Southern Rhodesia, but no reply had been received from the respondent. It was now desired to sell the property to the present occupier. His Honour Judge Frankland observed that there was not the urgency which would exist if the offer to purchase were open for a limited period only. It was also not a case in which the mortgagor had absolutely disappeared. In ordinary circumstances an order terminating an owner's rights in property should not be made unless the owner received proper notice. This was especially the case where, as appeared from the evidence, the property was of a value which would clear the mortgage debt and leave a surplus. The county court rules relating to non-service on a respondent had not been modified by the emergency legislation. Rule 16 (1) of the County Court (Emergency Powers) Rules, 1939, was as follows: "An application under paragraph (a) of subsection 2 for leave to distrain shall be by originating application, and, subject to the provisions of this Rule, the provisions of the County Court Rules, 1936, relating to originating applications, shall apply." The court might therefore dispense with service of notice on a respondent where the facts justified such a course. It did not appear, however, that the facts of the above case were appropriate for the exercise of that power. The application was therefore adjourned generally, with liberty to apply, in order to enable the applicants to give notice of the application to the respondent through the address in their possession.

To-day and Yesterday.

LEGAL CALENDAR.

1 APRIL.—On the 1st April, 1850, Professor Webster, who occupied the chair of Chemistry at Harvard University and the Boston Medical School, was condemned to death for the murder of the eccentric Dr. Parkman. Webster was popular and sociable but lived above his income and borrowed money from his old friend Parkman. The relationship of debtor and creditor eventually embittered the friendship between them. Then Parkman disappeared suddenly. Parts of his dismembered remains were found in a vault under Webster's laboratory. The rest had been burnt. On hearing his sentence the condemned man fell back convulsively sobbing.

2 APRIL.—On the 2nd April, 1824, an odd case came up at the York Assizes when Edmund Hobson, the old schoolmaster at Patrington, was tried for the murder of his wife. He had come home drunk one evening and was very enraged because she, being infirm and slow-moving, did not open the door at once. He had behaved with great violence before retiring to bed and next morning she had been found drowned in a well in the garden. As he had said he would kill her, and she had said that she wished she were dead, the choice for the jury was between murder and suicide. They decided for the latter.

3 APRIL.—The vagaries of J.P.'s would fill quite a volume of legal history. You can find an example in *Mayhew v. Locke*, 7 Taunt. 63. The plaintiff, who was the constable of Chart in Surrey, had spent a considerable time and covered several miles in executing a warrant signed by the defendant, The Rev. Dr. Locke, J.P. In the evening he asked whether he was to be allowed any remuneration, and on being told that he was not, he said: "If you have any more warrants to serve, do not send them to me for I will not serve them. You may serve them yourself." Outraged authority then made an oral order for him to be confined in the cage at Farnham till next morning. On the 3rd April, 1816, he was awarded £5 damages at the Kingston Assizes. The Common Pleas upheld the verdict.

4 APRIL.—On the 4th April, 1828, Thomas Irons was tried at the Kingston Assizes for the murder of Susan Froggatt, a girl employed in the household where he was a servant. One afternoon he had come home a little intoxicated, the two of them had quarrelled, he had sat moodily in a chair for about fifteen minutes, then he had shot her in the head while the cook was out of the room. There being no evidence of insanity, he was condemned to death and hanged.

5 APRIL.—There was considerable indignation in 1876 when the "Strathclyde," a Glasgow ship bound for Bombay, with twenty-three passengers, was run down off Dover by the German steamer "Franconia," with a loss of thirty-eight lives. On the 5th April Ferdinand Keyne, captain of the "Franconia," was tried before Mr. Baron Pollock at the Old Bailey for manslaughter. He was found guilty, but the Court of Crown Cases Reserved quashed the conviction on the ground that there was no jurisdiction to try an offence committed on a foreign ship. The majority was narrow, seven judges to six.

6 APRIL.—Sir Samuel Shepherd, the son of a London jeweller, was born on the 6th April, 1760. He became Chief Baron of the Exchequer in Scotland.

7 APRIL.—On the 7th April, 1669, Pepys wrote: "To the Council Chamber and there heard the great complaint of the City tried against the gentlemen of the Temple for the late riot, as they would have it, when my Lord Mayor was there. But, upon hearing the whole business, the City was certainly to blame to charge them in this manner as with a riot. But the King and Council did forbear to determine anything in it till the other business of the title

and privilege be decided which is now under dispute at law between them, whether the Temple be within the liberty of the City or not."

THE WEEK'S PERSONALITY.

In the world of the law a man is remarkable who has declined the dignity of King's Counsel, of Chief Justice of the King's Bench and of Chief Justice of the Common Pleas, but such a man was Sir Samuel Shepherd. He attained an early success at the Bar, receiving compliments from Lord Mansfield and sound advice from Buller, J., while Lord Kenyon said that he had no "rubbish in his head." At the age of thirty he began to suffer from deafness, but though the infirmity increased with time he became successively King's Serjeant, King's Ancient Serjeant, Solicitor-General, Attorney-General, and M.P. for Dorchester. In the House of Commons he brought in the Foreign Enlistment Bill and the Bill abolishing wager of battle. In the courts his most sensational case was the prosecution of the publisher of Paine's "Age of Reason." It was in 1818 that he declined both the Chief Justiceships, having determined "never to accept judicial office involving the trial of prisoners." Accordingly, in the following year, he became Chief Baron of the Exchequer in Scotland, retaining the post till 1830, when ill-health forced him to retire. For three years before his death in 1840 he was blind. His friend, Sir Walter Scott, remarked on "the neatness and precision, closeness and truth" of his conversation and his perfect good humour "with a little warmth of temper on suitable occasions."

DECLINE IN CRIMINALS.

A great French criminal writer, M. Georges London, was recently reported to have said that the race of great criminals like that of great barristers is tending to disappear. "Is it the barrister that is lacking or the criminal?" he asked, adding: "I fancy it's the criminal. Give us good criminals and we will give you good barristers." In England certainly the calibre of modern criminals is less than that of their predecessors. Sidney Fox and Buck Ruxton, though horrible in their methods, were essentially small men. The stories of Field and Gray, of Mrs. Rattenbury and Stonor, were essentially commonplace. I remember that some years ago Maître Henri-Robert, the great French advocate, noted the same point in the course of a lecture on advocacy. He said: "When you compare the petty quarrels of the present day with the great trials of former times which, for the most part, raised fine questions of principle, you are surprised at the decadence, at the smallness of present day cases."

GIANTS OF THE BAR.

Any age would be happy could it match those great figures of the French Bar recalled by Maître Henri-Robert. There was Malesherbes, who in the full fury of the French Revolution volunteered to defend Louis XVI. "Twice I was called to the councils of him who was my master when that office was the ambition of everyone," he wrote. "I owe him the same service when the office is one which many people find dangerous." Then there was Berryer, who, ardent Royalist though he was, eloquently defended Marshal Ney, arraigned for high treason in abandoning the King to join Napoleon in the desperate adventure of the Hundred Days and the campaign which ended with Waterloo. Only the original can do justice to this sentence from his speech: "Il est indigne d'un roi de ramasser les blessés sur les champs de bataille pour les porter à l'échafaud." Again there was Chaix d'Est Ange, a forensic giant whose personality at its best was almost hypnotic. Once he appeared in a case where a young man was being tried on purely circumstantial evidence for a particularly brutal murder in an hotel at Versailles. Detail by detail he reconstructed every step in the crime till at last the man in the dock collapsed crying inarticulately, "Yes, yes! It was I!" The sheer force of his words had extracted a confession.

Correspondence.

[The views expressed by our correspondents are not necessarily those of THE SOLICITORS' JOURNAL.]

Unfair Protection?

Sir,—Why cannot a member of the Bar be held liable for special damage which he may have committed either through imprudence, accident, or negligence while conducting a case, settling pleadings, giving opinions, advising or appearing on behalf of clients and doing any of the usual things of a barrister's practice? Not only are solicitors liable for professional misdoings, but every other professional man is so liable, even including the clergy. Very few occasions may exist when one could sue a barrister, but the right to sue him should be given. It is intolerable that barristers in their purely professional capacity should be placed above the law. Furthermore, there is an absurd fiction that barristers are not paid, but receive honoraria. Barristers should, however, be allowed to sue for their fees like everybody else, and there is no reason why they should not have bad debts like everybody else. May I end up by reminding you that "fictions," as they are called or known as in English law, are misnomers. Fictions are really polite terms for injustices, or, as many of us prefer to call them, legalised frauds.

London, W.C.2.

G. W. R. THOMSON.

30th March, 1940.

The Law Society and Compulsory Membership. A Member of Parliament's Motion.

Sir,—A controversy arises concerning the rights of a minority in opposition to the supporters of a motion before this Society, at the instance of a solicitor in a provincial city, for compulsory membership of all solicitors.

The opponents will contend, I hope, as I do, that those most in power (inclusive of the oath administrator on enrolment) should not allow the inherent and implied rights to be abridged or affected, particularly as conceived to have been the status at law, universally understood and recognised, half a century ago.

Since the several recent Acts of Parliament, properly demanded in the interests of the public through cases of moral delinquency or criminal offence, the Society has its own jurisdiction in some of them, which undoubtedly has contributed to improve this vocation's condition. But a greater danger may follow on this attempt at coercion through a spirit of opposition in other departmental activities, and become a precedent of domination over higher ideals of livelihood and conduct.

However, whether this view has a substratum of strength or is weak and purely a matter of faith or question of liberty, the opportunity should be taken of raising it, through the professional press, into discussion before it reaches the stage of parliamentary consideration. It is no light matter. What has been regarded as a perpetual law should stand pre-eminent over solitary aspiration for fame or opinion and be jealously cherished. It would be different if it were a general enabling statutory provision, or for the extension of private estates benefiting the public at large. Therefore even the acquiescence of a majority of solicitors could not be enforced against some of the primary reasons, and would (in view of individual repugnance to things lower than faith's obedience) have to be determined by the highest tribunals of the land.

The grounds for this compulsory measure have not been made known by any medium, though requirement to be edified has been sought. This should be supplied, even if only in outline.

Leeds.

CHAS. BETHAM.

25th March, 1940.

Notes of Cases.

Court of Appeal.

Bond v. Nottingham Corporation.

Greene, M.R., MacKinnon and Clanson, L.JJ.

6th March, 1940.

HOUSING—CLEARANCE ORDER—EASEMENT OF SUPPORT—SERVIENT OWNER SERVED WITH DEMOLITION ORDER—ORDER NOT COMPLIED WITH—DUTY OF LOCAL AUTHORITY TO DEMOLISH—RIGHT OF DOMINANT OWNER TO SUPPORT—HOUSING ACT, 1936 (26 Geo. 5 and 1 Edw. 8, c. 51), s. 26.

Appeal from Simonds, J., 83 SOL. J. 673.

The plaintiff was the owner of Aspley House. He was entitled to an easement of support for the house from certain adjoining cottages known as Aspley Place. In 1935 a demolition notice under the Housing Act, 1930, was served on the servient owner, who proposed, pursuant to that notice, to demolish the cottages without providing equivalent support for Aspley House. Thereupon the plaintiff started two actions, one against the servient owner to restrain him from demolishing the premises without providing equivalent support and one against the defendant corporation, the local authority liable under s. 26 of the Housing Act, 1936, to demolish, if the servient owner failed to do so, claiming similar relief. Simonds, J., granted an injunction to restrain the servient owner from demolishing the premises without providing such support. The action against the corporation stood over. The servient owner not having complied with the demolition notice, the defendant corporation became under a duty to do so. The plaintiff's action was restored. Simonds, J., held that there was nothing in the Housing Act, 1936, which justified the corporation in depriving the plaintiff of his easement, and he granted an injunction to restrain the demolition without providing equivalent support. The corporation appealed.

GREENE, M.R., dismissing the appeal, said he agreed with the conclusion of Simonds, J., and with the reasons on which it was founded. In a matter of this kind it was both legitimate and necessary to consider the consequences of both constructions of the Act of Parliament, in order to see whether one of those constructions was contrary to those principles which the Legislature was *prima facie* supposed to follow. The principle of construction which was most relevant in the present case was that stated by Brett, M.R., in *Attorney-General v. Horner*, 14 Q.B.D. 257, where he said: "It is a proper rule of construction not to construe an Act of Parliament as interfering with or injuring persons' rights without compensation unless one is obliged so to construe it." The appellants' construction in this case would result in an interference with the plaintiff's rights without compensation. This would be particularly objectionable as under the Housing Act, 1936, alternative methods were provided by which a local authority could secure the demolition of buildings: firstly, by ordinary demolition; secondly, by purchasing the area in question. In the latter case any easement affecting the property was to cease, but compensation was to be paid to the person entitled to the benefit of that easement. According to the appellants' construction, if the first method was adopted, then, whether the owner or the local authority demolished pursuant to an order, they were entitled to disregard the owner's easement without payment of compensation. The adjoining owner, however, did not belong to the class of persons entitled to be heard in opposition to a clearance scheme. Bearing these matters in mind, it was necessary to consider the meaning of the word "demolish" in s. 26 of the Act of 1936. In construing that section it was necessary in the first place to consider the powers and duties of the owner of the property ordered to be demolished. He was under a duty in demolishing to have regard to the adjoining owner's right of support by providing

equivalent support. The same duty was cast on the local authority when carrying out the duty originally imposed on the owner. Both the owner and the local authority were under a duty to adopt a method of demolition which would not interfere with the right of the owner of the adjoining building to support.

MACKINNON and CLAUSON, L.JJ., agreed.

COUNSEL: *Harman, K.C.*, and *Wilfrid Hunt; Neville Gray, K.C.*, and *E. J. Rimmer*.

SOLICITORS: *Sharpe, Pritchard & Co.*, for *J. E. Richards*, Town Clerk, Nottingham; *Peacock & Goddard*, for *Hunt, Dickens & Willatt*, Nottingham.

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

Appeals from County Courts.

Tibber v. Upcott.

Slessor, Luxmoore and Goddard, L.JJ.
4th March, 1940.

LANDLORD AND TENANT—RENT RESTRICTION—DECONTROLLED DWELLING-HOUSE—EFFECT OF FAILURE TO REGISTER—RENT AND MORTGAGE INTEREST RESTRICTIONS ACT, 1923 (13 & 14 Geo. 5, c. 32), s. 2—RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT, 1933 (23 and 24 Geo. 5, c. 32), s. 2 (2).

Appeal from Kingston County Court.

The plaintiff was the landlord of a number of flats, including No. 4, Clarence Road, Wimbledon, which was a dwelling-house to which the Increase of Rent and Mortgage Interest Restrictions Act, 1920, formerly applied. On 5th September, 1932, the then tenant vacated the flat No. 4, and thereupon those premises ceased to be controlled premises by virtue of s. 2 of the Rent and Mortgage Interest Restrictions Act, 1923. The premises were thereafter let to various tenants at a decontrolled rent until, on 12th April, 1937, they were let to the defendant at 21s. a week. The plaintiff brought the present action against the defendant to recover arrears of rent. The defendant by his defence pleaded that the premises had become controlled premises by reason of the failure of the plaintiff to register the premises as decontrolled as required by s. 2 (2) of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. It was contended for the plaintiff, however, that, as a result of the Rent and Mortgage Interest Restrictions Act, 1939, which repealed s. 2 of the Act of 1933 and a further provision as to registration in s. 4 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, that failure to register could no longer be relied on as a ground for saying that the premises had been controlled premises in 1933, and that the premises had again become controlled premises only under the terms of the Act of 1939, with the result that the standard rent was fixed by reference to the rent payable on 1st September, 1939, and not the earlier date provided by the Act of 1920. By s. 2 (2) of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933: "... if in any proceedings with respect to any dwelling-house which is, or immediately before the passing of this Act formed part of, such a dwelling-house as aforesaid it is proved that but for the provisions of the said section 2 of the Act of 1923 the principal Acts would have applied to the dwelling-house and that no such application has been made by or on behalf of the landlord within the time aforesaid, the dwelling-house shall ... be deemed to be a dwelling-house to which the principal Acts apply: Provided that if, on application to the county court ... the court certifies that there was reasonable excuse for the failure to make application for the registration of the dwelling-house within the time aforesaid and application for registration is made within seven days ... then, if the principal Acts had ceased to apply to the dwelling-house before the passing of this Act, s. 2 of the Act of 1923 shall ... apply to the dwelling-house as from the date on which the application for registration is

made." The county court judge held that the premises became re-controlled in 1933 as a result of the plaintiff's failure to register them as decontrolled. The plaintiff appealed.

LUXMOORE, L.J., delivering the judgment of the court, dismissing the appeal, said that the difficulties of the case arose from the concluding part of s. 2 (2) of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. No application had been made by the plaintiff under that subsection for the registration of the premises in question. Nor had any application been made under the proviso to that subsection. The result was that the premises became re-controlled as from 18th July, 1933. That followed from the decision in *Stokes v. Little* [1935] 1 K.B. 182. It was implicit in that decision that in case of non-compliance with the provisions as to registration, the dwelling-house was again brought within the principal Acts and became a controlled dwelling-house. It had been argued for the landlord that s. 2 (2) of the Act of 1933 only affected decontrol so far as any proceedings were concerned, and, further, that that section was concerned only with procedure and ceased to have any operation after it had been repealed by the Act of 1939. But, in the opinion of the court, the true meaning of s. 2 of the Act of 1933 was that, in the absence of registration under its provisions, a dwelling-house which had become decontrolled under s. 2 of the Act of 1923 became for all purposes of the principal Acts a controlled dwelling-house. The decision of the county court judge was right and the appeal must be dismissed.

COUNSEL: *F. W. Beney; S. N. Bernstein*.

SOLICITORS: *Paisner & Co.; Barnett Janner*.

[Reported by H. A. PALMER, Esq., Barrister-at-Law.]

Obituary.

HIS HONOUR JOHN CUSACK, K.C.

His Honour John Cusack, K.C., died on Tuesday, 2nd April, at the age of seventy-three. He was called to the Irish Bar in 1893 and had been a County Court Judge successively in Kerry and Limerick. He retired from his Irish appointments in 1924 and later lived in England, becoming Mayor of Twickenham and a member of the Middlesex County Council.

BARON PROFUMO, K.C.

Baron Albert Profumo, K.C., Hon. LL.M., died on Wednesday, 27th March, at the age of sixty-one. Baron Albert Profumo (fourth Baron of the Kingdom of Italy) came of a family which has been domiciled in England for several generations. He was educated at the City of London School and abroad, and was called to the Bar by the Inner Temple in 1901. He practised on the South-Eastern Circuit and joined the Middle Temple in 1907. He took silk in 1919. Baron Profumo will be remembered for his benefactions to the legal profession. Sums of £5,000 each were given to Gray's Inn and the Inner Temple in 1919 for purposes of legal education. The trust deed provided that regard should be had primarily to the needs of persons who had served with the Forces of the Crown. In 1924 he made a generous gift to the newly created Faculty of Laws at Birmingham for the purchase of books, and since then he has continued to enrich the library of the Faculty and the Holdsworth Club. In 1926 he provided funds, through the Council of Legal Education, for a series of classes on voice production and elocution to be open to students who had passed the first examination and to barristers of less than two years' standing. His heir, Mr. J. D. Profumo, M.P. for Kettering, is, at the age of twenty-five, the youngest member of the House of Commons.

MR. H. R. SOULSBY.

Mr. Hugh Richard Soulsby, barrister-at-law, died on Sunday, 31st March. He was called to the Bar by the Inner

Temple in 1888 and for many years had done much valuable law reporting for *The Times*. He was a brother of the late Sir William Soulsby, for over fifty years private secretary to the Lord Mayors of London.

CAPT. T. M. CHITTY THOMAS.

Capt. T. M. Chitty Thomas, O.B.E., M.C., barrister-at-law, died on Sunday, 31st March. Capt. Thomas was called to the Bar by the Middle Temple in 1914.

MR. P. G. GATES.

Mr. Percy George Gates, solicitor, died on Sunday, 31st March. Mr. Gates was admitted a solicitor in 1886 and was Conservative M.P. for North Kensington from 1922 to 1929. For thirty-eight years he had been a member of the Kensington Vestry and Council, and for nine years a member of the London County Council. Mr. Gates was the son of the late Mr. Philip Chasemore Gates, K.C., Recorder of Brighton.

MR. F. DE C. HAMILTON.

Mr. Frederick de Courcy Hamilton, solicitor, of Cardiff, died recently at the age of eighty-four. He was admitted a solicitor in 1878.

The Solicitors' Law Stationery Society, Ltd.: Annual Report.

The fifty-first Annual General Meeting of the Society was held at 102/7, Fetter Lane, on Tuesday, 2nd April, 1940, Sir Bernard E. H. Bircham, G.C.V.O., the Chairman of the Society, in the chair.

After the Secretary had read the notice convening the meeting, and the auditors' report, the Chairman said:

It is now my duty to move the adoption of the report and accounts for last year, which, I presume, you will take as read.

Taking first the directors' report, you will not be surprised to see that both our turnover and profit have been seriously affected by the outbreak of war. Even before war broke out, the legal profession as a whole, and consequently the Society, was adversely affected by the recurrent crises and the general lack of confidence. Since September the Society's business has suffered in a greater degree from these factors, and, in addition, from the evacuation of legal and business firms from London.

In view of the position, the directors decided not to distribute the usual interim dividend in October last, but to await the full results of the year's working. The directors recommend a dividend of 7 per cent., less income tax, compared with 13 per cent. paid in respect of 1938. The dividend and bonuses will absorb the sum of £25,439 18s. 6d., and out of the balance the directors propose to add £500, against £1,000, to the Women's Pension Reserve, and to carry forward the sum of £12,949 19s. 3d. The profit for the year might have been higher had it not been our policy only to increase our prices when forced to do so by the rising cost of raw materials, and, to a lesser extent, by higher working costs. As all of you are, I hope, customers of the Society, I feel sure you will agree that this policy was a wise one. The directors feel that under the difficult conditions of the year the result is one of which they need not be ashamed. The Society depends in the first place on the prosperity of the legal profession, and its strong position is due to the quality of its service to lawyers. When legal activity, particularly conveyancing, is at the low level that it is to-day, much of our organisation directly suffers. The Society also depends on general printing, and, in this connection, I should mention that only one major industry, the building industry, has suffered more than the printing industry from the effect of the war.

In March of last year the Directors encouraged the Society's employees to undertake National Service of all kinds, and as a result many employees were called up in September; others have since volunteered or been called up for Military Service. We look forward to their return to the Society's service after the war. As was done during the Great War, allowances have been made to such employees in accordance with the needs of them and their dependents.

As you will see from the report, the Society acquired during the year two law stationery businesses, one in London and the other in Birmingham, and these purchases have brought some useful additions to the Society's connection.

Although not coming within the current year, I cannot refrain from referring to the sad and unexpected death of

our colleague, Mr. Harvey Plant, which occurred only last month. He was a comparatively young man and during the seven years he had been on the board had proved himself a very useful and energetic member. We shall miss him very much on this board. We have been fortunate in obtaining the services of Mr. John Venning, of the firm of Messrs. Bird & Bird, to fill the vacancy thus created.

After referring to certain figures in the balance sheet and the profit and loss account, the Chairman went on to say: During the past few years I have refrained from making at these meetings any forecast of the future, and I am not going to attempt one now. We have taken steps, when this has been possible, to reduce our commitments in the light of the present state of legal business, and we are satisfied that we are receiving our full share of what work is available. There have, during the past few weeks, been some indications of a slight improvement at many of our branches. Although paper, our principal raw material, is now rationed, we do not anticipate any difficulty in the immediate future in our ability to supply goods up to, or approaching, our usual standard, and, as large buyers and prompt payers, we have considerable advantages in this respect.

I should like this year to make a special appeal to the few shareholders who do not support us as wholeheartedly as do the majority. In these difficult times I suggest that it would be in their own interests as shareholders to give us all the work they possibly can.

And now with regard to our staff: from the highest to the lowest they have all proved invaluable to the Society under the war conditions, and I cannot speak too highly of them.

I now formally move the adoption of the report and the approval of the accounts, and will ask Mr. Gillett to second the motion.

The motion was seconded by Mr. Gillett and carried unanimously.

On the motion of the Chairman, seconded by Mr. Gillett, it was unanimously resolved to pay a dividend of 7 per cent., and to distribute bonuses to the customers and staff in accordance with the articles.

The director retiring in accordance with the articles, Mr. John Venning, and the director retiring by rotation, Sir Bernard E. H. Bircham, were re-elected.

The auditors, Messrs. Fuller, Wise, Fisher & Co., were re-elected for the ensuing year.

In proposing a vote of thanks to the Chairman, directors and managers, Mr. L. Gwynne Jones said: I may say that every one of the shareholders present would like to thank the directors and also the working members of the Society, the managers and staff, for the good work which we consider they have done during the past year under the most trying circumstances. We all live in hope that things will improve, but when it will be no one knows.

Mr. W. Bishop seconded this resolution, saying: There can be no greater indication of satisfaction or compliment to the Board than the fact that there is here no grumble or discordant note. In fact we are all perfectly satisfied with the results under these difficult conditions.

The meeting then closed.

Rules and Orders.

S.R. & O., 1940, No. 439/L7.

SUPREME COURT, ENGLAND. PROCEDURE.

THE RULES OF THE SUPREME COURT (No. 1), 1940. DATED MARCH 27, 1940.

I, Thomas Walker Hobart Viscount Caldecote, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by the Administration of Justice (Emergency Provisions) Act, 1939,* and all other powers enabling me in this behalf, and with the concurrence of two other Judges of the Supreme Court, do hereby make the following Rules:—

1. The following words shall be added at the end of Order XIII, Rule 8 (which relates to judgment in default of appearance in an action for recovery of land):—

“upon the production of a certificate by the solicitor for the plaintiff or, in the case of a plaintiff in person, of an affidavit that the action is not one to which Rule 17 of this Order applies.”

2. These Rules may be cited as the Rules of the Supreme Court (No. 1), 1940, and shall come into operation on the 1st day of April, 1940.

Dated the 27th day of March, 1940.

Caldecote, C.
Hewart, C.J.
Wilfrid Greene, M.R.

* 2 & 3 Geo. 6, c. 78.

Societies.

The Law Society's Examinations.

EMERGENCY LEGISLATION.

The Council have further considered the extent to which questions in The Law Society's Examinations may be asked on Emergency Legislation.

They have decided :—

(1) In the Intermediate Examination questions will not be asked on Emergency Legislation.

(2) In the Final Examination candidates may be asked questions for which a knowledge of the following Acts will be necessary :—

Courts (Emergency Powers) Act, 1939.
Rent and Mortgage Interest Restrictions Act, 1939.
Possession of Mortgaged Land (Emergency Provisions) Act, 1939.
Trading with the Enemy Act, 1939.
Finance (No. 2) Act, 1939.
Execution of Trusts (Emergency Provisions) Act, 1939.
Local Elections and Register of Electors (Temporary Provisions) Act, 1939.
Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.
And any statutory modifications thereof.

T. G. LUND,

Secretary.

Law Society's Hall,
Chancery Lane,
London, W.C.2.
3rd April, 1940.

Law Association.

The usual monthly meeting of the Directors was held on the 1st April. Mr. Ernest Goddard in the chair. The other Directors present were Mr. Guy H. Cholmeley, Mr. Arthur E. Clarke, Mr. Douglas T. Garrett, Mr. W. A. Gillett, Mr. G. A. Hugh Jones, Mr. Frank S. Pritchard, Mr. John Venning, Mr. William Winterbotham, and the Secretary, Mr. Andrew H. Morton. A sum of £218 was voted in relief of deserving applicants, and other business was transacted.

War Legislation.

(Supplementary List, in alphabetical order, to those published, week by week, in THE SOLICITORS' JOURNAL, from the 16th September, 1939, to the 30th March, 1940.)

Progress of Bills.

House of Commons.

Agricultural Wages (Regulation) Amendment Bill [H.C.]
Read Second Time. [3rd April.
Societies (Miscellaneous Provisions) Bill [H.C.], [20th March.
Read Second Time.
Solicitors (Emergency Provisions) Bill (H.L.) [4th April.
Read Third Time.
Special Enactments (Extension of Time) Bill [H.L.], [20th March.
Read Second Time.

Statutory Rules and Orders.

No. 450. **Air Navigation.** British Overseas Airways Stock Regulations, dated March 26.
No. 408/L.6. **Courts (Emergency Powers)** (Consolidation) Rules, dated March 20.
No. 395/L.5. **Courts (Emergency Powers).** The County Court (Emergency Powers) (No. 1) Rules, dated March 15.
No. 413. **Customs.** The Export of Goods (Control) (No. 9) Order, dated March 21.
No. 406. **Customs.** Order, dated March 18, revoking the Import Duties (Iron and Steel) Regulations, 1939.
No. 405. **Customs.** The Import of Goods (Prohibition) (No. 12) Order, dated March 19.
No. 382. **Emergency Powers (Defence).** Order in Council, dated March 19, amending Regulation 63 of the Defence (General) Regulations, 1939.
No. 383. **Emergency Powers (Defence).** Order in Council, dated March 19, adding Regulation 81A to the Defence (General) Regulations, 1939.
No. 384. **Emergency Powers (Defence).** Order in Council, dated March 19, amending the Defence (General)

Regulations, 1939, and the Defence (Finance) Regulations, 1939.
No. 412. **Emergency Powers (Defence).** Order, dated March 20, amending the Eggs (Maximum Prices) (No. 4) Order, 1939.
No. 417. **Emergency Powers (Defence).** The Frozen Eggs (Maximum Prices) Order, dated March 21.
No. 451. **Emergency Powers (Defence).** The Factory Undertakings (Records and Information) (No. 1) Order, dated March 29.
No. 403. **Emergency Powers (Defence).** The Freshwater Fish (Sale) Order, dated March 18.
No. 414. **Emergency Powers (Defence).** The Control of Flax (No. 8) Order, dated March 21.
No. 407. **Emergency Powers (Defence).** The Flour (Prices) Order, dated March 18.
No. 415. **Emergency Powers (Defence).** Food. Order, dated March 21, amending the Rationing Order, 1939.
No. 416. **Emergency Powers (Defence).** Food. Order, dated March 21, amending the Directions, dated January 6, 1940, under the Rationing Order, 1939.
No. 387. **Emergency Powers (Defence).** Order, dated March 16, amending the Livestock (Sales) Order, 1940.
Nos. 432 and 433. **Emergency Powers (Defence).** The Control of Paper (Nos. 9 and 10) Orders, dated March 27 and 30.
No. 437. **Emergency Powers (Defence).** The Papermaking Materials (Charges) (No. 1) Order, dated March 26.
No. 402. **Emergency Powers (Defence).** Order, dated March 18, amending the Potatoes (1939 Crop) (Control) Order, 1940.
No. 431. **Emergency Powers (Defence).** Killing and Taking of Rabbits. The Rabbits Order, dated March 27.
No. 424. **Emergency Powers (Defence).** Road Traffic. The London Passenger Transport Board (Public Service Vehicles) Order, dated March 6.
No. 394. **Emergency Powers (Defence).** The Sausages (Maximum Prices) Order, dated March 18.
Nos. 422 and 434. **Emergency Powers (Defence).** The Control of Timber (Nos. 9 and 10) Orders, dated March 21 and 27.
No. 435. **Emergency Powers (Defence).** The Control of Timber (No. 10) Order, 1940, Direction No. 1, dated March 27.
No. 436. **Emergency Powers (Defence).** The Control of Timber (No. 5) Order, 1939, Direction No. 4, dated March 27.
No. 399. **Information, Minister of.** The Minister of Information Order (Amendment) Order in Council, dated March 19.
No. 400. **Milk Industry** (Butter and Cheese Price Computation) Rules, dated February 17.
No. 389. **National Health Insurance** (Medical Benefit) Amendment Regulations, dated February 21.
No. 404. **National Service** (Armed Forces) Miscellaneous (Amendment) Regulations, dated February 26.
No. 438. **Road Haulage** (Emergency Provisions) (Miscellaneous) Regulations, dated March 19.
No. 425. **Road Traffic and Vehicles.** The Motor Vehicles (Authorisation of Special Types) Order (No. 1) 1937, (Amendment) Order, dated March 7.
No. 426. **Safeguarding of Industries** (Exemption) No. 5 Order, dated March 28.
No. 439/L. 7. **Supreme Court, England.** Procedure. Rules of the Supreme Court (No. 1), dated March 27.

Draft Statutory Rules and Orders.

Education, England and Wales. Elementary Education Grant Regulations, dated March 19. (Board of Education Grant Regulations No. 1, 1940.)

Non-Parliamentary Publications.

STATIONERY OFFICE.

Lists of Emergency Acts and Statutory Rules and Orders, 1940. Revised to March 31. (Incorporates Supplements 6 to 14).

STATUTE LAW COMMITTEE.

Statutory Rules and Orders. Index to the Statutory Rules and Orders in force on August 31, 1939, showing the Statutory Powers under which they are made. 15th Edition.

TREASURY: PARLIAMENTARY COUNSEL.

Defence Regulations, being Regulations made under the Emergency Powers (Defence) Act, 1939, printed as amended up to and including March 19, 1940, to which is prefaced a table of Acts of Parliament amended, suspended or applied by Defence Regulations and Orders made thereunder, by Orders in Council made under the Chartered and Other Bodies (Temporary Provisions) Act, 1939, and by orders made under the Import, Export and Customs Powers (Defence) Act, 1939.

Copies of the above Bills, S.R. & O.'s, etc., can be obtained through The Solicitors' Law Stationery Society, Ltd., 22, Chancery Lane, London, W.C.2, and Branches.

Honours and Appointments.

The Lord Chancellor has appointed Mr. HENRY POWNALL to be the Registrar of Oldham and Ashton-under-Lyne and Stalybridge County Courts as from the 1st April, 1940. Mr. Pownall was admitted a solicitor in 1919.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON			
DATE.	EMERGENCY ROTA.	APPEAL COURT No. I.	MR. JUSTICE FARWELL.
April 8	Mr. Blaker	Mr. More	Mr. Jones
" 9	More	Reader	Ritchie
" 10	Reader	Andrews	Blaker
" 11	Andrews	Jones	More
" 12	Jones	Ritchie	Reader
" 13	Ritchie	Blaker	Andrews

GROUP A.		GROUP B.	
MR. JUSTICE BENNETT	MR. JUSTICE SIMONDS.	MR. JUSTICE CROSSMAN.	MR. JUSTICE MORTON.
DATE.	Non-Witness.	Non-Witness.	Witness.
April 8	Reader	Blaker	Ritchie
" 9	Andrews	More	Blaker
" 10	Jones	Reader	More
" 11	Ritchie	Andrews	Reader
" 12	Blaker	Jones	Andrews
" 13	More	Ritchie	Jones

EASTER SITTINGS, 1940.

COURT OF APPEAL.

One Division of the Court will hear Interlocutory and Final Appeals from the King's Bench Division and Appeals from the Admiralty Division, to be followed later in the sittings by Interlocutory and Final Appeals from the Chancery Division, Palatine Appeals, Appeals from the Chancery Division (In Bankruptcy), Appeals from the Probate and Divorce Division and Final Appeals from the King's Bench Division.

A Second Division of the Court will hear County Court Appeals and Appeals re The Workmen's Compensation Acts, to be followed later in the sittings by Interlocutory and Final Appeals from the King's Bench Division.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

Before Mr. Justice FARWELL.

At the beginning of the Sittings Mr. Justice FARWELL will sit for the disposal of the List of Witness Actions.

GROUP A.

Before Mr. Justice BENNETT.

(Non-witness List.)

Mondays .. Chamber Summonses.
Tuesdays .. Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays Adjourned Summonses.
Thursdays .. Adjourned Summonses.
Fridays .. Motions and Adjourned Summonses.

Before Mr. Justice SIMONDS.

(Witness List.)

Mondays .. Companies (Winding up) business.

Tuesdays }
Wednesdays } The Witness List.
Thursdays }
Fridays }

GROUP B.

Before Mr. Justice CROSSMAN.

(Non-Witness List.)

Mondays .. Chamber Summonses.
Tuesdays .. Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays Adjourned Summonses.
Thursdays .. Adjourned Summonses.
Fridays .. Motions and Adjourned Summonses.

Before Mr. Justice MORTON.

(Witness List.)

Mondays .. Bankruptcy Business.

Bankruptcy Judgment Summonses will be taken on Mondays, 15th April, 6th May, 3rd and 24th June, and 15th July.

Bankruptcy Motions will be taken on Mondays, 8th and 29th April, 27th May, 17th June and 8th July.

A Divisional Court in Bankruptcy will sit on Mondays, 22nd April, 10th June, 1st and 22nd July.

Tuesdays }
Wednesdays } The Witness List.
Thursdays }
Fridays }

THE COURT OF APPEAL.

A List of Appeals for hearing, entered up to Wednesday, 20th March, 1940.

FROM THE CHANCERY DIVISION.

(Final List.)

Bismag Ltd v Amblins (Chemists) Ltd (pt hd)
Beck v Priestman
Re Luck Settlement Trusts
Walker v Luck
Scott v Frank F Scott (London) Ltd (not before April 14)
Same v Same (not before April 14)
Re The Welsh Church Acts, 1914 and 1919 Re The Tithe Act, 1936 The Commissioners of Church Temporalities in Wales v The Representative Body of the Church in Wales and The Tithe Redemption Commissioners

(In Bankruptcy.)

Re a Debtor (No. 562 of 1939)
Ex parte the Debtor v The Petitioning Creditors and the Official Receiver
Re a Debtor (No. 22 of 1940)
Ex parte the Debtor v The Petitioning Creditors and the Official Receiver
Re a Judgment Debtor (No 266 of 1940) Ex parte The Judgment Creditors v The Judgment Debtor

FROM THE KING'S BENCH DIVISION.

(Final and New Trial List.)

Eastwood v Pearlberg (not before April 10)
Gorman v Barnard (pt hd)
The King v Justices of the Peace for the County of Stafford
Ex parte Borough of Stafford Joseph Evans & Sons (Wolverhampton) Ltd v Technoprom-import

Sasieni v Gee
Kittler v Miller
Same v Same
Barclays Bank Ltd v Cuthbert
Karlfix Ltd v Burton
Brown v Lissenden
Rostron v Sunderland Borough Council
Medd v Cox
C H Butterworth (Bury) Ltd v Prestwich U D C
Massey v Liverpool Corporation
Wills v Bingham
Lucas v Executors of James Mills Ltd

Todd v Wright
Fletcher v Convoys Ltd
Barker v Owen
Rousou v Photi
Reed v Morny Ltd
Wilkinson v Chetham-Strode
English v Western
Jennings v Gough
Skelv v Norwich Benefit Building Society
Goodwin v Holmes
Dormer v Newcastle-upon-Tyne Corporation
Cooper v Gas Light & Coke Co
Hough v London Express Newspaper Ltd
Holden v Thomas Bentock & Co
Lewis v A Pile & Sons (a firm)
Same v Same
Reid v B Sunley & Co Ltd
William Cowlin & Sons Ltd v Drummond
Goodier v Cooke
Lipman v Webb

Enfield Rolling Mills Ltd v Sterling Engineering Co Ltd
Burnham v Griffiths
General Accident Fire & Life Assurance Corp Ltd v Midland Bank Ltd
Manley Estates Ltd v Kayton Mills v Stanway Coaches Ltd
Wilkins v Bedfordshire County Council
Porter v Porter
Re the Arbitration Acts, 1889-1934
Digby v General Accident Fire and Life Assurance Corp Ltd
Pollock v Charles Burt Ltd
Chatfield v Gasse
McLaren v P C S Limited
Hogarth v Pharmaceutical Products Ltd
Pearce v Dell
The Wimborne & Cranborne Rural District Council v The East Dorset Assessment Committee
Draper v Draper
Lobban v Lond
Hibbett v Leicester City Corporation
Palmer v E G Sumner Ltd
Casey v Game
Orbach v The North Western Printing & Publishing Co Ltd
Rosner v Bird
Graumann v Treitel
Mackay v Cullen
Tams v Winning
Reed v Croft
Fraser v Knight
Spowage v Flynn

(Interlocutory List.)

For Judgment.

Pooley v Brying (M R and Goddard L J, March 19, 1940)

For Hearing.

Gonzalez v Machado
Johnston v Charles Osenton & Co (a firm)
Iles v Rich

(Revenue Paper—Final List.)

Stemco Ltd v Hyett (H M Inspector of Taxes)
Same v The Commissioners of Inland Revenue
Boarland (H M Inspector of Taxes) v Pirie Appleton & Co Ltd
D'Ambrunel v Commissioners of Inland Revenue
de Walden v Beck (H M Inspector of Taxes)
Beck (H M Inspector of Taxes) v de Walden

FROM COUNTY COURTS

Cotter v Rosefield
W S White & Co Ltd v Hardy
Padget v Bull (s.o. security)
Bowers (Maghull) Ltd v Shaw
Gibson v Dunford
Johnson's (Liverpool & London) Ltd v Shaw
Jones v Poulton
Salisbury v Herbert Marshall (Printer) Ltd
Burnett Estates Ltd v Creed
Manning v Warrington Red Moulding Sand Co Ltd
Toogood v Wright
O'Grady v M Saper Ltd
Norman v Fieldhouse Ltd v G & J Roberts Ltd
Pembury v Lamdin

Re THE WORKMEN'S COMPENSATION ACTS.
Parr v Richard Haworth & Co Ltd

Coleraine v Hampstead Borough Council
Whittaker v The National Smelting Co Ltd

FROM THE ADMIRALTY DIVISION.
(Final List.)

(With Nautical Assessors.)

"Varmdo" 1939 J. No. 48 Folio 3
The Owners of S.S. or Vessel "Jeanne M" and her Master and Crew (suing for their lost effects) v Owners of S.S. or Vessel "Varmdo"
The "Thames" (Limitation) 1939 S. No. 2214 Folio 167 Morgan Scanlan & Co v G A Bunting & Co

Original Motion.

W S White & Co Ltd v Hardy (No. 2 County Court List) (April 2)

STANDING IN THE "ABATED" LIST.

RE THE WORKMEN'S COMPENSATION ACTS.

Cain v Shell Mex & B P Ltd (s.o. generally July 6, 1939)

FROM COUNTY COURTS.

Thistle v Normans (Approval Stores) Ltd (s.o. generally, l.r. October 26, 1939)

HIGH COURT OF JUSTICE—CHANCERY DIVISION.

There are Two Lists of Chancery Causes and matters for hearing in Court. (I) Adjourned Summonses and Non-Witness Actions; and (II) Witness Actions, every proceeding being entered in these Lists without distinction as to the Judge to whom the proceeding is assigned. During the Sittings, warning will be given of proceedings next to be heard before each of the five Judges. Applications in regard to a "warned" matter should be made to the Judge before whom it is "warned."

Applications in regard to a proceeding which has not been "warned" should usually be made to the senior of the two Judges taking the list in which the proceeding stands.

Motions, Short Causes, Petitions and Further Considerations will be taken by the Judge taking the Non-Witness List who belongs to the group to which the proceeding is assigned.

Group A.—Mr. Justice BENNETT and Mr. Justice SIMONDS.

Group B.—Mr. Justice CROSSMAN and Mr. Justice MORTON.

Mr. Justice FARWELL will deal with the work in either Group as the state of the business requires.

The Adjourned Summons and Non-Witness List will be taken by Mr. Justice BENNETT and Mr. Justice CROSSMAN.

The Witness List will be taken by Mr. Justice SIMONDS and Mr. Justice MORTON.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group A will be heard by Mr. Justice BENNETT.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group B will be heard by Mr. Justice CROSSMAN.

Companies (Winding up), Liverpool and Manchester District Registries and Bankruptcy business will be taken as announced in the Easter Sittings Paper.

Set down to 20th March, 1940.

Mr. Justice FARWELL.

Retained Matters.

Non-Witness List.

Re Richardson, dec. Jackson v Holmes (s.o. generally—lib to restore)

Witness List.

Lee Norman v Collier (s.o. generally—to be mentioned)

Re Tonge, dec. Lee Norman v Tonge (s.o. generally—to be mentioned)

Tonge v Tonge (s.o. generally—to be mentioned)

Tonge v Spurrell (s.o. generally—to be mentioned)

FROM THE CHANCERY DIVISION.

(Final List.)

Re Heaven Indenture de Arellano v Heaven (s.o. generally, liberty to restore, May 5, 1939)

FROM THE COUNTY PALATINE COURT OF LANCASTER.

(Final List.)

Re Rice, dec. Rice v Rice

FROM THE KING'S BENCH DIVISION.

(Final and New Trial Lost.)

Hogan v The Pacific Steam Navigation Co (s.o. for P.P. Appln) (June 30, 1939)

MacMichael v The Commissioner of Police for the Metropolis (s.o. June, 1939)

Hughes and Falconer (a firm) v Newton (s.o. generally, l.a.r.)

(Interlocutory List.)

Mitchell v M G Farm Ltd (s.o. generally, 31 January 1940) (Revenue Paper—Final List.)

Batty (H M Inspector of Taxes) v Schroder (s.o. generally, l.a.r.)

Whiting v Cheltenham Corporation
Hamlyn v Dowling
Vyner v Cox

Mr. Justice BENNETT and Mr. Justice CROSSMAN.

Non-Witness List.

Before Mr. Justice BENNETT.

For Judgment.

The British Thomson-Houston Co Ltd v Tungstalite Ltd

For Hearing.

Retained Matters.

Non-Witness List.

Re White, dec. Clare v Parker (s.o. generally)

In Chambers.

Master WILLMOTT.

Re Higham (an Infant) (pt. hd)

In Court.

Witness List.

Bradford Third Equitable Benefit Building Society v Marriott
Re Cleadon Trust, Ltd Remove Liquidator (pt hd)

Blundell v Bye (pt hd) (s.o. April 3)

National Real Estate & Finance Co Ltd v Williams (pt hd)
Re Aircraft Industries Corp., Ltd Re Companies Act, 1929 (pt hd)

Procedure Summonses.

Mansell-Pleydell v Walter Hill and Co Ltd (s.o. to come on with Trial)
Same v Same (s.o. to come on with Trial)

Before Mr. Justice CROSSMAN.

Retained Matters.

In Chambers.

Re Goodman, dec. Goodman v Soref (April 3)
Re Macdonald Rooke v Macdonald (s.o. June 26)

In Court.

Non-Witness List.

Re Lawrence's Will Trusts Brand v The Rifle Brigade Club General Committee, Ltd (April 4)

Companies Court.

Adjourned Summonses.

Electric Truck and Battery Co Ltd (pt hd)
Same (pt hd)

Chancery Division.

Assigned Matters.

Re Guardianship of Infants Act, 1925 Re Marmara, Infants
Re Same Re Same

Petitions.

Re Brutton, dec. Davies v Mercer payment out
Jones v Joynson payment out
Re T N Ward's Settlement Ward v Ward

Re Emberton, dec. Davies v Emberton (s.o. April 5 to be heard with Motion)

Re Brodsky's Trusts Re Indo European Telegraph Co, Ltd Re Trustee Act, 1925 Re Companies Act, 1929 (restored)

Re Bishop, dec. Bond v Bishop (restored)

Re Marshall's Conveyance Re Law of Property Act, 1925 Re Land Registration Act, 1925 Yates v Rogers

Re Desprez, dec. Naish v Desprez

Re Lewis's Will Trusts Re Lewis's Settlement Lewis v Skeffington
Re Henderson's Will Trusts Pane v Skipwith

Re Taylor, dec. Midland Bank Executor & Trustee Co Ltd v Smith

Re Lawrence Will Trusts The Public Trustee v Lawrence
Re Bolton, dec. Bolton v Gordon
Re Hoffnung-Goldsmid Will Trusts Sneath v Goldsmid

Re Dawson, dec. Tucker v Lloyds Bank Ltd

Re Tremlett, dec. Tucker v Baker
Re Marsham-Townshend's Conveyances re Law of Property Act, 1925

Re Demarest's Settlement Trusts The Chase National Executors and Trustees Corporation Ltd v H.M. Attorney-General

Re Harrison, dec. Morgan v Harri on

Re Barnes, dec. Dunkels v Barnes

Mr. Justice SIMONDS and Mr. Justice MORTON.

Witness List.

Before Mr. Justice SIMONDS.

Assigned Matters.

Re Patents & Designs Acts, 1907-1938 Re Grove's Letters Patent No. 454,088

Re Patents & Designs Acts, 1907-1938 Re Zeiss Ikon Aktiengesellschaft Letters Patent No. 397,915

Re Patents & Designs Acts, 1907-1932 Re Iversen's Letters Patent

Re Patents & Designs Acts, 1907-1939 Re Airspeed Ltd and A H Tiltman's Letters Patent No. 397,964

Re Same Re same
Re Patents & Designs Acts, 1907-1939 Re Kaufman's Letters Patent No. 396,346

Retained Matters.

Petition.

Gumm v Hallett (restored, fixed April 12 at 2 o'clock)

Non-Witness List.

Re Courts (Emergency Powers) Act, 1939 Re Williams Application (Atkins Electrical Appliances Ltd (s.o. generally)

Witness List.

Re Amalgamated Stone & Lime Co Ltd Re The Companies Act, 1929 (s.o. generally, l.a.r., pt hd)

Eichengruen v Mond (s.o. generally, l.r.)

On Tuesday, April 2nd, the following will be in the list :—

Retained Matter.

Witness List.

Re Almond, dec. Palmer v Almond (pt hd)

The next to be heard are :—

Witness List.

Re G Blundell & Sons Ltd Re The Companies Act, 1929
Martin v Browning
Sykes v Smith
Newman v Wright

Natural Chemicals Ltd v Amblins (Chemists) Ltd

Companies Court.

Petitions.

Arthur W North & Co Ltd (to wind up—ordered on May 10, 1937, to s.o. generally)
 A W Wood & Co Ltd (same—ordered on July 17, 1939, to s.o. generally)
 Lewis Brothers (Bristol) Ltd (same—ordered on March 11, 1940, to s.o. until April 8, 1940)
 Asbestos Molybdenum & Tungsten Co Ltd (same—ordered on March 11, 1940, to s.o. until April 8, 1940)
 W R Masters & Co Ltd (same—ordered on March 18, 1940, to s.o. until April 15, 1940)
 Lanco Proprietors Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 Rosser Chinn Ltd (same—ordered on March 18, 1940, to s.o. until April 15, 1940)
 Alpine Ice Cream Dairy Co Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 John Shaw (Rayners Lane) Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 Curtis Cream Ices Ltd (same—ordered on March 11, 1940, to s.o. until April 8, 1940)
 Architectural Constructional & Electrical Utilities Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 Claude Rye Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 C Cousins Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 Lupa Exploration Syndicate Ltd (same—ordered on March 18, 1940, to s.o. until April 8, 1940)
 Stylish Modes Ltd (same—ordered on March 19, 1940, to s.o. until April 8, 1940)
 Highgates (Builders) Ltd (same)
 Allans (Fashions) Ltd (same)
 Scotts (Northways) Ltd (same)
 Western Outfitters Ltd (same)
 Roadcoats Products Ltd (same)
 Caledonian Cabinet Co Ltd (same)
 S Brown & Son (General Warehousemen) Ltd (same)
 Kingswood Court (Kent) Ltd (same)
 Lintente Products Ltd (same)
 Thynne & Co Ltd (same)
 Liffey Transport & Trading Co Ltd (same)
 Irish National Refineries Ltd (same)
 George Ditchfield Ltd (same)
 Popular Fisheries Ltd (same)
 Western Metropolitan Newspapers (1928) Ltd (same)
 Iles Detective Agency Ltd (same)
 Macleod & Zinovieff Ltd (same)
 Reed & Reed Ltd (same)
 H R Osborne Ltd (same)
 G B C Ltd (same)
 A J Dean & Co Ltd (same)
 Farringdon Property Trust Ltd (same)
 John Rubin Ltd (same)
 S Markheim Ltd (to confirm reduction of capital)
 Welsh Town-Planning and Housing Trust Ltd (same)
 British Burmah Petroleum Co Ltd (same)
 E.H Fuel Injection Ltd (same)
 United African Explorations Ltd (same)
 Anglo-Rhodesian and General Investment Co Ltd (same)

W Pearl (Textiles) Ltd (same)
 Wild-Barfield Electric Furnaces Ltd (to confirm alteration of objects)
 Southern Insurance Co Ltd (same)
 Anglo-Scottish Insurance Co Ltd (same)
 Baxter's Leather Co Ltd (to sanction scheme of arrangement and to confirm reduction of capital)

Motions.

Gaumont-British Picture Corporation Ltd (ordered on March 11, 1940, to s.o. until April 8, 1940)
 Bark Hill Estates Ltd (ordered on March 18, 1940, to s.o. until April 8, 1940)

Adjourned Summonses.

Marina Theatre Ltd (Application of F H Cooper—with witnesses—ordered on May 10, 1933, to s.o. generally—liberty to apply to restore)

Pietos Ltd (Application of Liquidators—with witnesses—ordered on March 29, 1935, to s.o. generally—liberty to apply to restore)

Bottlers and General Engineers Ltd (Application of Harold Cecil Gains—with witnesses—ordered on June 17, 1937, to s.o. generally—liberty to apply to restore)

Cleaton Trust Ltd (Application of Robert Creighton—ordered on April 12, 1938, to s.o. generally)
 Electric Truck and Battery Co Ltd (Application of Hubert John Edward Lawrence—ordered on March 8, 1940, to s.o. generally—to be retained by Mr Justice Crossman)

Same (Application of Ernest John Rose—ordered on March 8, 1940, to s.o. generally—to be retained by Mr Justice Crossman)

Before Mr. Justice MORTON.

Retained Matters.

Non-Witness List.

Re Harding's Vesting Deed
 Prideaux-Brune v Prideaux-Brune
 Re Sophia Ward, dec Nickinson v Ward
 Re Lamerton, dec Lamerton v Roberts (restored)
 Re Buchan, dec Buchan v Lund (restored)
 Re Fletcher, dec Fletcher v Fletcher

On Tuesday, April 2nd, Mr. Justice MORTON will be sitting as Appeal Tribunal under the Patents and Designs Acts, 1907 to 1938.

The following Cases will be in the List on that day:—

453,220 Emulsol Corporation (pt hd)
 459,820 Gevaert Photo Production N.V. (pt hd)
 11,580/38 Salerno P.M.
 The next to be heard are:—
 17,491/38 General Electric Co
 33,101/38 Sperry P A
 477,507 Electrolux Limited

Mr. Justice SIMONDS and

Mr. Justice MORTON.

Witness List.

Samuel French Ltd v Sievier
 The State of Spain v The Chancery Lane Safe Deposit & Offices Co Ltd (fixed June 3)

Netteship v Cooper
 Macleans v Cooper
 The Sturtevant Engineering Co Ltd v Beck & Pollitzer (a firm)
 Collier v Fish
 Miller v Quick (by order) (not before 1st May, 1940)
 Waghorn v Stephens
 Foster v Foster
 Weeks v The National Amalgamated Stevedores and Dockers Union
 Goldsmid-Montefiore v Cavendish Land Co Ltd
 Roberts v Gallina
 Radford v Beevor
 Surrey County Council v Williams
 Trustee of Winston (a bankrupt) v Ashworth
 Warrington v Durrant Cooper & Hambling (a firm)
 Hawes v Rickard
 Birchenough v The Derbyshire County Council
 Green v Vyner
 Motor Exchange (Huddersfield) Ltd v Stross
 Scott v M Y Dart Co
 Davies v Robins

Re United Publicity Services Ltd
 Re The Companies Act, 1929 (Application of Liquidator) (misfeasance) (not before April 30)
 Trawford v Blackburn
 Silver v Noel
 Soho Square Syndicate Ltd v E Pollard & Co Ltd
 Roby v Benzol & By-Products Ltd
 W Dennis & Sons Ltd v Cooper
 Roche v Shepherd
 Henderson & Simmons v John Tilley v Knight & Co Ltd
 Western v Brown
 Lewis Clarkes Ltd v Pepper
 Brooks v Denison
 Banks v Ripley
 Dove v Appleby-Frodingham Steel Company Ltd
 Wright v Faulkner's (Hodder Bridge) Hotel Ltd
 Moscrop v London Passenger Transport Board
 Re Unity Permanent Money Society Re Companies Act, 1929

HIGH COURT OF JUSTICE—KING'S BENCH DIVISION.
DIVISIONAL COURT LIST.

NOTICE.

The Solicitors for each party are requested to inform the Chief Clerk of the Crown Office, in writing, as soon as possible, as to the probable length of each case and the names of Counsel engaged therein.

For Judgment.

Rating Authority of Barking v Central Electricity Board (c.a.v. January 15) (LCJ Humphreys and Hilbery, JJ)

For Argument.

Tyas v Doncaster Amalgamated Collieries Ltd
 West Cheshire Water Board v Crowe
 Reynell v Dean
 Barlow v Fraser
 Mayor & C of Leicester and ors v Derwent Valley Water Board and ors
 Mills v Hazlewood & Sons Ltd
 Werner v E Whiteway & Co Defendants Nendorfer Kommissar of Markus & Werner—(claimant)
 Osborne v Nicholls
 Knowles v Chancellors Ford Laundry Limited
 Lewis v Osborn
 Scott v Warren
 In the matter of Peel an infant
 England v Kerry
 Thompson v Pearcey
 The King v N J Laski Esq and ors Ex parte The New Empire (Burnley) Ltd
 Shireld v Doughty
 The King v Southern Essex Assessment Committee and anr Ex parte Stevens
 Shard Bridge Co and anr v Jones
 Swift v Barrett
 The King v Electricity Commissioners Ex parte Chester Corp
 The King v Electricity Commissioners Ex parte Chester Corp
 Harbans Sing Batra v Cumberland Hotels Ltd
 Rowe v Clatworthy
 Fulham Borough Council v A B Hemmings Ltd
 The King v B Blacklock Esq and ors, JJ's for Kent Ex parte Welch
 Bignell v Thompson
 Private Street Works Act, 1892, re Jesty Avenue, Broadway, Weymouth
 Watkins v Griffiths
 The School of Oriental & African Studies v The Rating Authority for the City of Westminster
 The Hotel Regina (Torquay) Ltd v Moore
 Roditi Trading Co Ltd v The Port of London Authority and ors
 The King v Assessment Committee of the City of Westminster Ex parte Trustees of Junior Carlton Club
 Watson v Weigall
 The Bell Property Trust Ltd v The Assessment Committee for the Borough of Hampstead
 The Bell Property Trust Ltd v The Assessment Committee for the Borough of Hampstead
 The Bell Property Trust Ltd v The Assessment Committee for the Borough of Hampstead
 The King v General Commissioners of Income Tax Ex parte Gibbs and ors
 James v Rogers
 Hulme v The Bucklow Area Assessment Committee and anr
 The King v Assessment Committee for the City of Westminster Ex parte Grosvenor House (Park Lane) Ltd
 The King v Assessment Committee for the City of Westminster Ex parte Grosvenor House (Park Lane) Ltd
 James v Darney
 Cooper v Maw
 In re a Solicitor Appeal from Disciplinary Committee of Law Society
 H Fridman Ltd v Hudsons Bay Co (Henry Claimant)
 Gould v Field
 Bullimore v Rawlins

SPECIAL PAPER.

Wirral U D C v County Borough Council of Wallasey and ors
 Mayor & C of Birkenhead v Same and ors
 The London & Home Counties Joint Electricity Authority v Surrey County Valuation Committee and anr
 Hills v Co-operative Wholesale Soc Ltd
 Taylor and anr v Eagle Star Insee Co Ltd

Howard Farrow Ltd v Ocean Accident & Guarantee Corp Ltd
The Milk Marketing Board v Frearson (Commercial List 17th April, 1940)
Melkjohn v Campbell
The Saint Line Ltd v Richardson Westgarth & Co Ltd (Commercial List, February 8
Drummond v Hamer
United Baltic Corp Ltd v Isaac Modiano Bros & Sons
Jacoby v Prison Commissioners
Shone and anr v Griffiths

APPEALS UNDER THE PUBLIC WORKS FACILITIES ACT, 1930.

London Rd, Newcastle-under-Lyme Compulsory Purchase Order, 1939 (Appeal of
Fredk H Burgess Ltd and the Trustees of F H Burgess, dec)
County Council of Middlesex Great Chertsey Road (Compulsory Purchase) Order
1937 (Appeal of W W Harris)

APPEALS UNDER THE HOUSING ACTS, 1925-1936.

Bethnal Green (Vyner Street, No 6) Confirmation Order, 1937 (Appeal of Trustees
of Mrs Bates Trust for the Moravians)
Saine (Vyner Street, No 7) Saine
L C C (Oxley Street, Bermondsey) Order, 1938 (Appeal of Dockhead Engineering Co)
County of London (Bethnal Green, No 1) Re-Development Plan (Appeal of Trustees
of the Mrs Elizabeth Bates Trust for the Moravians)
Shrewsbury (Golden Ball Farm etc) Confirmation Order, 1939 (Appeal of Mrs. Annie
Williams)
Bright Street and Weedon Street Confirmation Order, 1938 (Appeal of Benjamin
Blaskey)
Birmingham (Bordesley Park Road) Confirmation Order, 1938 (Appeal of Small
Estates Ltd)
L C C (Riley Street, Chelsea, No 1) Confirmation Order, 1938 (Appeal of John
Sainsbury Gilbert)

APPEALS UNDER THE UNEMPLOYMENT INSURANCE ACTS, 1935-1938.

Appeal against the decision of the Minister of Labour as to the Employment of
Alexander Hogan
Appeal against the decision of the Minister of Labour as to the Employment of
Gladys Lillian Porteous
Appeal against the decision of the Minister of Labour as to the Employment of
Ada Garrat

MOTIONS FOR JUDGMENT.

The Trafalgar Ins Co Ltd v McGregor
Quinney v Solomon

REVENUE PAPER—Cases Stated.

William Cooper Hobbs and H G L Hussey (H.M. Inspector of Taxes)
Hamstead Colliery (1930) Limited and R J McLaughlin (H.M. Inspector of Taxes)
The Corporation of Reigate and F J Cattermole (H.M. Inspector of Taxes)
A E Mallandain Investments Limited (In liquidation) and A J Shadbolt (H.M.
Inspector of Taxes)
Mrs M M Gasque and The Commissioners of Inland Revenue
Mrs E M Sothorn-Smith and J M Clancy (H.M. Inspector of Taxes)
S Southern (H.M. Inspector of Taxes) and Aldwych Property Trust Ltd
James Gillyatt McMillan and W H Guest (H.M. Inspector of Taxes)
W E Sharpless and Rees (H.M. Inspector of Taxes)
Mrs. Helen Babbooth Macdonald and The Commissioners of Inland Revenue
Thomas Fattorini (Lancashire) Ltd and The Commissioners of Inland Revenue
Lombard Stockholders Trust and The Commissioners of Inland Revenue
Mrs. Gertrude Jane Aveling Moorshad and F E Thornley (H.M. Inspector of Taxes)
A W Lawrence and others and The Commissioners of Inland Revenue
L S Murphy (H.M. Inspector of Taxes) and Thomas E Gray & Company Limited
Thomas E Gray & Company Limited and L S Murphy (H.M. Inspector of Taxes)
O K Trust Limited and D K Rees (H.M. Inspector of Taxes)
Lindsay Millar Jopling and Commissioners of Inland Revenue
F G Davis (H.M. Inspector of Taxes) and Reginald Frederick Jaggars
F J Cattermole (H.M. Inspector of Taxes) and Corporation of Reigate
Brigadier General Howard Clifton Brown, M.P. and The Commissioners of Inland
Revenue
Woking Electric Supply Company Ltd and W H Kneen (H.M. Inspector of Taxes)
W H Kneen (H.M. Inspector of Taxes) and Woking Electric Supply Company Ltd
The Old Silkstone Collieries Ltd and Marsh (H.M. Inspector of Taxes)
The Morning Post Ltd and Horace Coe George (H.M. Inspector of Taxes)
E J Castiglione and A R Wadman (H.M. Inspector of Taxes)
The Commissioners of Inland Revenue and Ernest Robert Gunner
The Commissioners of Inland Revenue and Walter Payne
Morris Securities Limited and Commissioners of Inland Revenue
The Commissioners of Inland Revenue and E L Payton
The Trustees of George Thomas Peirse-Duncombe, dec Trust and the Commissioners
of Inland Revenue
J T Beare (H.M. Inspector of Taxes) and A T Carter, C.B.E., K.C.
G H Hyett (H.M. Inspector of Taxes) and C Leonard
Commissioners of Inland Revenue and Robert Wilson Black
Commissioners of Inland Revenue and Cyril Wilson Black

Petition.

In the matter of the Fines Act, 1833 and In the matter of a Petition by the Corporation
of the City of London

Demurrer.

H.M. Attorney-General and Henry Stannett

NOTICE TO CONTRIBUTORS.

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Stock Exchange Prices of certain Trustee Securities.

Bank Rate (26th October 1939) 2%. Next London Stock
Exchange Settlement, Thursday, 11th April, 1940.

	Div. Months.	Middle Price 3 Apl. 1940.	Flat Interest Yield.	† Approxi- mate Yield with redemption
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	108	£ s. d.	£ s. d.
Consols 2½%	JAJO	72½	3 14 1	3 7 6
War Loan 3½% 1955-59	AO	99½	3 9 0	—
War Loan 3½% 1952 or after	JD	99	3 0 2	3 0 5
Funding 4% Loan 1960-60	MN	110	3 12 9	3 6 1
Funding 3% Loan 1959-69	AO	96½	3 2 0	3 3 5
Funding 2½% Loan 1952-57	JD	96½	2 17 0	3 0 5
Funding 2½% Loan 1956-61	AO	90	2 15 7	3 3 3
Victory 4% Loan Av. life 21 years ..	MS	109	3 13 5	3 7 10
Conversion 5% Loan 1944-64	MN	108½	4 12 2	2 7 10
Conversion 3½% Loan 1961 or after ..	AO	98½	3 11 1	—
Conversion 3% Loan 1948-53	MS	101	2 19 5	2 17 0
Conversion 2½% Loan 1944 49	AO	98	2 11 0	2 14 0
National Defence Loan 3% 1954-58 ..	JJ	100	3 0 0	3 0 0
Local Loans 3% Stock 1912 or after ..	JAJO	85	3 10 7	—
Bank Stock	AO	336	3 11 5	—
Guaranteed 2½% Stock (Irish Land Act) 1933 or after	JJ	82	3 7 1	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	87	3 9 0	—
India 4½% 1950-55	MN	112½	4 0 0	3 0 8
India 3½% 1931 or after	JAJO	96	3 12 11	—
India 3% 1948 or after	JAJO	82½	3 12 9	—
Sudan 4½% 1939-73 Av. life 27 years ..	FA	108	4 3 4	4 0 2
Sudan 4% 1974 Red. in part after 1950 ..	MN	106	3 15 6	3 6 9
Tanganyika 4% Guaranteed 1951-71 ..	FA	107	3 14 9	3 4 8
L.P.T.B. 4½% "T.F.A." Stock 1942-72 ..	JJ	104	4 6 6	1 16 8
Lon. Elec. T. F. Corp. 2½% 1950-55 ..	FA	91	2 14 11	3 4 7
COLONIAL SECURITIES				
*Australia (Commonw'th) 4% 1955-70 ..	JJ	104½	3 16 7	3 12 1
Australia (Commonw'th) 3% 1955-58 ..	AO	89½	3 7 0	3 15 8
*Canada 4% 1953-58	MS	107½	3 14 5	3 5 8
*Natal 3% 1929-49	JJ	99	3 0 7	3 2 8
New South Wales 3½% 1930-50	JJ	97½	3 11 10	3 16 5
New Zealand 3% 1945	AO	95½	3 2 10	4 0 2
Nigeria 4% 1963	AO	106	3 15 6	3 12 5
Queensland 3½% 1950-70	JJ	97½	3 11 10	3 12 9
*South Africa 3½% 1953-73	JD	100	3 10 0	3 10 0
Victoria 3½% 1929-49	AO	97½	3 11 10	3 16 5
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	84½	3 11 0	—
Croydon 3% 1940-60	AO	93½	3 4 2	3 9 1
*Essex County 3½% 1952-72	JD	102	3 8 8	3 6 2
Leeds 3% 1927 or after	JJ	84	3 11 5	—
Liverpool 3½% Redeemable by agree- ment with holders or by purchase ..	JAJO	96	3 12 11	—
London County 2½% Consolidated Stock after 1920 at option of Corp. ..	MJSD	70	3 11 5	—
London County 3% Consolidated Stock after 1920 at option of Corp. ..	MJSD	83½	3 11 10	—
*London County 3½% Consolidated Stock 1954-59	FA	102	3 8 8	3 6 4
Manchester 3% 1941 or after	FA	84	3 11 5	—
Metropolitan Consd. 2½% 1920-49 ..	MJSD	97½	2 11 3	2 16 4
Metropolitan Water Board 3% "A" 1963-2003	AO	87	3 9 0	3 10 4
Do. do. 3% "B" 1934-2003	MS	88	3 8 2	3 9 5
Do. do. 3% "E" 1953-73	JJ	92	3 5 3	3 8 2
*Middlesex County Council 4% 1952-72 ..	MN	103½xd	3 17 4	3 13 2
* Do. do. 4½% 1950-70	MN	108xd	4 3 4	3 12 2
Nottingham 3% Irredeemable	MN	83xd	3 12 3	—
Sheffield Corp. 3½% 1968	JJ	101	3 9 4	3 8 10
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	104½	3 16 7	—
Gt. Western Rly. 4½% Debenture	JJ	111	4 1 1	—
Gt. Western Rly. 5% Debenture	JJ	122½	4 1 8	—
Gt. Western Rly. 5% Rent Charge	FA	116	4 6 2	—
Gt. Western Rly. 5% Cons. Guaranteed ..	MA	114	4 7 9	—
Gt. Western Rly. 5% Preference	MA	100½	4 19 6	—
Southern Rly. 4% Debenture	JJ	102½	3 18 1	—
Southern Rly. 4% Red. Deb. 1962-67 ..	JJ	104½	3 16 7	3 13 11
Southern Rly. 5% Guaranteed	MA	114	4 7 9	—
Southern Rly. 5% Preference	MA	100½	4 19 6	—

* Not available to Trustees over par.

† In the case of Stocks at a premium, the yield with redemption has been calculated
at the earliest date; in the case of other Stocks, as at the latest date.

